Supreme Court, U.S.
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CLERK

Nos. 98-405 and 98-406

In the Supreme Court of the United States

OCTOBER TERM, 1998

JANET RENO, ATTORNEY GENERAL, APPELLANT

v.

BOSSIER PARISH SCHOOL BOARD

GEORGE PRICE, ET AL., APPELLANTS

v.

BOSSIER PARISH SCHOOL BOARD

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JOINT APPENDIX (VOLUME 1)

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NOTICES OF APPEAL FILED: July 6, 1998
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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 94cv1495

BOSSIER PARISH SCHOOL BOARD, PLAINTIFF

v.

JANET RENO, FEDERAL DEFENDANT,

GEORGE PRICE, AND NINE OTHERS
INTERVENOR-DEFENDANT

DOCKET ENTRIES

DATE	DOCKET NUMBER	PROCEEDINGS
1994		
July 8	1	ORDER by Chief Judge John G. Penn : authorizing James J. Thornton, Jr. to appear in this Court in behalf of Bossier Parish for the sole and limited purpose of representing the School Board in its request for a declaratory judgment approving its redistricting plan as being in conformity with the Voting Rights Act of 1965 and the Constitution of the United States. (N) (jeb) [Entry date 07/14/94]

DATE	DOCKET NUMBER	PROCEEDINGS
July 8	2	COMPLAINT filed by plaintiff(s) BOSSIER PARISH (jeb) [Entry date 07/14/94]
July 8	—	SUMMONS(2) issued to federal party(s) defendant JANET RENO, and non-parties: U.S. Attorney and U.S. Attorney General. (jeb) [Entry date 07/14/94]
July 14	—	MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff(s) BOSSIER PARISH. (jeb)
July 14	—	MAILED CJRA brochure, Meet and Confer list, and Notice regarding dismissal to plaintiff(s) BOSSIER PARISH. (jeb)
July 25	3	ORDER by Judge Charles R. Richey : directing Clerk of Court to make copies of the complaint and this order and provide them to the U.S. Marshals' Service for service of same upon the AUSA; directing AUSA to show cause why this case is cognizable in this Court and whether a three-Judge Court should be convened. ., and response to show cause due 4:00 7/29/94; (N) (jeb)

DATE	DOCKET NUMBER	PROCEEDINGS
July 26	—	SHOW CAUSE issued to defendant JANET RENO (James Thornton, Office of Asst. Attorney General). (dbw) [Entry date 07/28/94]
July 29	5	RESPONSE by defendant JANET RENO to Court's show cause order [4-1] (cjp) [Entry date 08/03/94]
Aug. 1	4	ORDER by Judge Charles R. Richey : directing that pursuant to 42 USC 1973c, a Three Judge District Court shall be convened to hear and determine this action for declaratory judgment under Section of the Voting Rights Act of 1965, as amended; referring case to the Chief Judge of the USCA for appointment of the other two members of the three judge panel. (N) (jeb)
Aug. 5	6	COPY of Order filed in USCA dated 8/4/94, designating Laurence H. Silberman, Circuit Judge, Gladys Kessler, District Judge, to serve with Charles R. Richey, District Judge, to hear and determine this action. (gt)

DATE	DOCKET NUMBER	PROCEEDINGS
Aug. 5	—	CASE ASSIGNED to Three Judge Panel consisting of: District Judge Charles R. Richey, Circuit Judge Laurence H. Silberman and District Judge Gladys Kessler. (gt)
Aug. 11	7	RETURN OF SERVICE/ AFFIDAVIT executed upon Asst. U. S. Attorney General on 8/8/94 (lpp) [Entry date 08/17/94]
Aug. 11	8	RETURN OF SERVICE/AFFIDAVIT executed on 8/3/94 upon James J. Thornton, Esquire, pursuant to Court Order. (lpp) [Entry date 08/17/94]
Aug. 22	—	STATUS HEARING before Judge Charles R. Richey & Judge Gladys Kessler: discovery due 10/14/94; plaintiff's dispositive motions due 4:00 10/26/94; defendant and applicant intervenor defendant's response to dispositive motions due 4:00 11/9/94; plaintiff and defendant to file views on the aspect of the South Carolina Case due 8/24/94 by 4:00 p.m.; applicant intervenor defendant to file views on case on 8/26/94 by 4:00 p.m. Reporter: Frank Rangus (jeb)

DATE	DOCKET NUMBER	PROCEEDINGS
Aug. 22	9	MOTION - filed by movant GEORGE PRICE and (9) nine others for leave to intervene Attachments (2), EXHIBIT: ANSWER (lpp) [Entry date 08/24/94]
Aug. 23	10	MEMORANDUM by defendant JANET RENO; attachments (5) (clv) [Entry date 08/25/94]
Aug. 23	11	TRANSCRIPT filed for date(s) of 08/22/94. Reporter: Frank Rangus (jeb) [Entry date 08/26/94] [Edit date 08/26/94]
Aug. 23	13	MEMORANDUM by defendant JANET RENO response to this Court's inquiry at the 8/22/94, status conference as to why this Court should not enter injunctive relief, Exhibit (A), Attachments (6) (lpp) [Entry date 08/30/94]
Aug. 25	12	MEMORANDUM by plaintiff(s) BOSSIER PARISH on enjoining proceedings in the Middle District of Louisiana in Knight, et al. v. McKeithen, et al. (jeb) [Entry date 08/26/94]
Aug. 26	15	MEMORANDUM by movant GEORGE PRICE for intervention, Exhibit (1) (lpp) [Entry date 09/07/94]

DATE	DOCKET NUMBER	PROCEEDINGS
Aug. 31	14	ORDER by Judge Charles R. Richey: discovery due 4:00 10/14/94; directing the plaintiff and defendant file briefs on injunction issue due 4:00 p.m. 8/24/94; prospective intervenors to file brief on injunction issue due 8/26/94; granting plaintiff leave to file its brief on injunction issue by facsimile; plaintiff to file briefs and dispositive motions due 4:00 10/26/94; defendant and prospective intervenors to file their briefs and dispositive motions due 4:00 11/9/94; directing parties to submit direct testimony in narrative form (N) (jeb)
Sept. 8	16	MEMORANDUM OPINION by Judge Charles R. Richey (N) (jeb)
Sept. 8	17	ORDER by Judge Charles R. Richey : granting motion for leave to intervene [9-1] by GEORGE PRICE; advising counsel that the Court shall not issue an injunction at this time, but the Court may revisit this issue at a future time, as may be appropriate. (N) (jeb)
Sept. 8	21	ANSWER by Defendants-Intervenors TO COMPLAINT [2-1]. (lpp) [Entry date 09/29/94]

DATE	DOCKET NUMBER	PROCEEDINGS
Sept. 13	18	ATTORNEY APPEARANCE for defendant JANET RENO by Gaye L. Hume (kmk) [Entry date 09/14/94]
Sept. 13	19	ANSWER TO COMPLAINT [2-1] by defendant JANET RENO. (kmk) [Entry date 09/14/94]
Sept. 26	20	MOTION filed by plaintiff(s) BOSSIER PARISH for relieve complainants of duty to answer certain interrogatories and requests for production of documents, Affidavit (1), Exhibit (1) (lpp) [Entry date 09/29/94]
Sept. 26	22	RESPONSE by intervenors in opposition to motion for relieve complainants of duty to answer certain interrogatories and requests for production of documents [20-1] by BOSSIER PARISH, Attachment: (1). (lpp) [Entry date 09/29/94]
Oct. 3	23	REQUEST by intervenor GEORGE PRICE for admissions for plaintiff(s) BOSSIER PARISH, Attachments (21) (lpp) [Entry date 10/05/94]

DATE	DOCKET NUMBER	PROCEEDINGS
Oct. 6	24	ORDER by Judge Charles R. Richey : denying motion for relieve complainants of duty to answer certain interrogatories and requests for production of documents [20-1] by BOSSIER PARISH; granting the defendant-intervenors' objections; denying and overruling the plaintiff's objections (N) (jeb)
Oct. 17	25	NOTICE OF FILING by defendant JANET RENO, of an agreed order extending discovery period and certain related filing deadlines, Exhibit (1) (lpp) [Entry date 10/18/94]
Oct. 25	26	STIPULATED ORDER by Judge Charles R. Richey : discovery due 10/28/94; plaintiffs' briefs and dispositive motions due 11/9/94; extending time to file proposed findings of fact and conclusions of law due 11/7/94; extending time to 11/23/94 for defendant and defendant-intervenors' briefs and dispositive motions to be filed. ; (N) (jeb)

DATE	DOCKET NUMBER	PROCEEDINGS
Nov. 9	27	ORDER by Judge Charles R. Richey : All prior ORders shall remain in full force; Counsel for parties shall Meet Confer hearing set for 4:00 11/18/94, Cousel [sic] for parties shall file statements of material facts due by 4:00 11/21/94, and cross motions for summary judgment due 4:00 11/21/94; response to motions for summary judgment due 4:00 11/30/94, reply motions for summary judgment due 4:00 12/5/94; (N) (lpp) [Entry date 11/14/94]
Nov. 9	28	ORDER by Judge Charles R. Richey : Meet Confer hearing set for 4:00 11/18/94, statement of material facts which are not in dispute due 4:00 11/21/94;, cross motions for summary judgment due 4:00 11/21/94; response to motion for summary judgment due 4:00 11/30/94 reply motion for summary judgment due 4:00 12/5/94; (N) (lpp) [Entry date 11/14/94]
Nov. 10	29	PRETRIAL STATEMENTS by plaintiff BOSSIER PARISH (lpp) [Entry date 11/14/94]
Nov. 16	30	MOTION filed by plaintiff BOSSIER PARISH to extend time to comply with the Court Order 11/9/94, Attachment (3) (lpp) [Entry date 11/17/94]

DATE	DOCKET NUMBER	PROCEEDINGS
Nov. 17	31	RESPONSE by defendant JANET RENO to motion to extend time to comply with the Court Order 11/9/94 [30-1] by BOSSIER PARISH (ted) [Entry date 11/18/94]
Nov. 17	32	REQUEST by defendant JANET RENO for clarification (ted) [Entry date 11/18/94]
Nov. 17	33	MEET AND CONFER STATEMENT/ REPORT PURSUANT TO L.R. 206(d) filed by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE. (ted) [Entry date 11/18/94]
Nov. 18	—	Tele-conference before Judge Charles R. Richey reporter: Frank Rangus (jeb)
Nov. 21	34	ORDER by Judge Charles R. Richey : all prior Orders shall remain in full force and effect, except as modified herein (N) (dbw)
Nov. 23	35	PRETRIAL STATEMENTS by intervenors GEORGE PRICE, attachments (2) (lpp) [Entry date 11/25/94]

DATE	DOCKET NUMBER	PROCEEDINGS
Nov. 25	36	PRETRIAL STATEMENTS by defendant JANET RENO, attachments (3) (lpp) [Entry date 11/28/94]
Nov. 30	37	JOINT MEMORANDUM by intervenor-defendants of findings of fact and conclusions of law (lpp) [Entry date 12/01/94]
Dec. 19	38	NOTICE OF FILING by defendant JANET RENO: Final Version of Direct Testimony (14), bulky pleading (lpp) [Entry date 12/21/94]
Dec. 20	39	NOTICE OF FILING by intervenor GEORGE PRICE: Addendum to DIrecto [sic] Testimony of William Cooper and Jerry Hawkins (2) (lpp) [Entry date 12/22/94]
Dec. 20	40	NOTICE OF FILING by defendant JANET RENO; of disputed portions of direct testimony.; attachments (blj) [Entry date 12/22/94]
Dec. 20	41	NOTICE OF FILING by defendant JANET RENO of original final version of direct testimony of Gary Dillard Joiner; attachments (1) (blj) [Entry date 12/22/94]

DATE	DOCKET NUMBER	PROCEEDINGS
Dec. 21	42	NOTICE OF FILING by plaintiff BOSSIER PARISH: Rebuttal Testimony (2) (lpp) [Entry date 12/23/94]
Dec. 22	43	NOTICE OF FILING by defendant JANET RENO, intervenor GEORGE PRICE: Filing of Disputed portions of Rebuttal Testimony (2), Attachment (2) (lpp) [Entry date 12/23/94]
1995		
Jan. 3	44	NOTICE OF FILING by defendant JANET RENO/United States: Corrected Pleading - Notice By U.S. and Defendant-Intervenors of filing of disputed portions of rebuttal testimony, Exhibit (1), Attachment (2) (lpp) [Entry date 01/06/95] [Edit date 03/30/95]
Jan. 10	45	ORDER by Judge Charles R. Richey : directing counsel to advise Judge Richey, in writing, by 1/17/95 4:00 p.m. as to whether they consent to having undersigned Judge hear testimony and evidence, and transmit ensuing record to Circuit Judge Silberman and District Judge Kessler for review; upon review, the three Judges shall have oral argument to consider the record and briefs of Counsel; telephonic status hearing set for 2:00 1/18/95 (N) (dbw)

DATE	DOCKET NUMBER	PROCEEDINGS
Jan. 18	—	STATUS HEARING (TELECONFERENCE) before Judge Charles R. Richey : bench trial set for 10:00 4/10/95 Reporter: Susan Tyner (dbw)
Jan. 18	46	ORDER by Judge Charles R. Richey : directing Counsel to meet and confer by 2/20/95 4:00 p.m. and file stipulations of fact and law and evidentiary objections by 3/20/95 4:00 p.m.; exhibit list and witness list due 3/20/95 4:00 p.m.; trial set for 10:00 4/10/95 and continuing the next day thereafter; all prior Orders shall remain in full force and effect (N) (dbw) [Entry date 01/19/95]
Feb. 3	47	JOINT MOTION by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE to modify scheduling order; Attachment (ted) [Entry date 02/06/95]
Feb. 3	48	JOINT MOTION by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE to expedite ruling on defendants' motion to exclude testimony; Attachment (ted) [Entry date 02/06/95]

DATE	DOCKET NUMBER	PROCEEDINGS
Feb. 3	49	MOTION filed by defendant JANET RENO to exclude testimony; Attachment (ted) [Entry date 02/06/95]
Feb. 14	50	RESPONSE (OPPOSITIONS) by plaintiff BOSSIER PARISH to Defendants and Intervenors' objections to testimony of complainant's witnesses, attachment (1) (lpp) [Entry date 02/15/95]
Feb. 17	51	NOTICE OF FILING by intervenor GEORGE PRICE: Direct Tesdtimony [sic] of David Creed, letter (1) fiat 02/22/95 (lpp) [Entry date 02/23/95]
Feb. 24	52	REPLY by defendant JANET RENO, intervenor GEORGE PRICE to response to response [50-1] by BOSSIER PARISH, Exhibits (4). (lpp) [Entry date 02/27/95]
March 17	53	EXHIBIT list by plaintiff Basier [sic] Parish School Board (lpp) [Entry date 03/20/95]
March 17	54	WITNESS LIST by plaintiff BOSSIER PARISH (lpp) [Entry date 03/20/95]

DATE	DOCKET NUMBER	PROCEEDINGS
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March 20	55	EXHIBIT list by defendant-intervenors (lpp) [Entry date 03/21/95]
March 20	56	STIPULATION filed by Bossier Parish School Board, Plaintiff; Janet Reno, Defendant; George Price, Defendant-Intervenors et al. regarding Fact and Law. (N) (lpp) [Entry date 03/21/95] [Edit date 03/21/95]
March 20	57	NOTICE OF FILING by defendant JANET RENO: Final Versoion [sic] of Direct Testimony (lpp) [Entry date 03/21/95]
March 20	58	STIPULATION filed by Bossier Parish School Board, Plaintiff and Janet Reno, Defendant and George Price et al. Defendant-Intervenors, regarding: Exhibits. (N) (lpp) [Entry date 03/21/95]
March 20	59	MOTION filed by defendant JANET RENO to exclude exhibit of plaintiff (lpp) [Entry date 03/21/95]

DATE	DOCKET NUMBER	PROCEEDINGS
March 20	60	EXHIBIT list by Janet Reno, Defendant (lpp) [Entry date 03/21/95]
March 21	61	DEPOSITION of Paul Caplis taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/13/94. (lpp) [Entry date 03/23/95]
March 21	62	DEPOSITION of James M. Bullers taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 3/21/95. (lpp) [Entry date 03/23/95]
March 21	64	DEPOSITION of William Johnston taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/12/94. (lpp) [Entry date 03/23/95]
March 21	65	JOINT STATEMENT OF OBJECTIONS by defendant JANET RENO, intervenor GEORGE PRICE to plaintiffs designation of deposition testimony of James Bullers [62-1] by GEORGE PRICE, JANET RENO, BOSSIER PARISH (dcn) [Entry date 03/23/95]

DATE	DOCKET NUMBER	PROCEEDINGS
March 21	66	WITNESS LIST by defendant JANET RENO, intervenor GEORGE PRICE (dcn) [Entry date 03/23/95]
March 21	67	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of James Ramsey taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/13/94. (dcn) [Entry date 03/23/95]
March 21	68	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of JAMES ELKINS taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/12/94. (dcn) [Entry date 03/23/95]
March 22	69	JOINT STATEMENT OF OBJECTIONS by defendant JANET RENO, intervenor GEORGE PRICE to plaintiffs cross-designations of deposition testimony of school board members (dcn) [Entry date 03/23/95]
March 22	70	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of MARGUERITE HUDSON taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 09/29/94. (dcn) [Entry date 03/23/95]

DATE	DOCKET NUMBER	PROCEEDINGS
March 22	71	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of JUANITA JACKSON taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/29/94. (dcn) [Entry date 03/23/95]
March 22	72	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of David Harvey taken by defendant JANET RENO, intervenor GEORGE PRICE on 9/30/94. (dcn) [Entry date 03/23/95]
March 22	73	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of BARBARA BAYLOCK [sic] taken by defendant JANET RENO, intervenor GEORGE PRICE on BARBARA BLAYLOCK [sic]. (dcn) [Entry date 03/23/95]
March 22	74	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of RUTH SULLIVAN taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/29/95. (dcn) [Entry date 03/23/95]

DATE	DOCKET NUMBER	PROCEEDINGS
March 22	75	JOINT DESIGNATION OF PORTIONS OF DEPOSITION TESTIMONY of BARBARA GRAY taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on BARBARA GRAY [sic]. (dcn) [Entry date 03/23/95]
March 22	76	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of SUSAN BARERRA taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/30/95. (dcn) [Entry date 03/23/95]
March 22	77	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of BOYCE HENSLEY taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/30/95 [sic]. (dcn) [Entry date 03/23/95]
March 22	78	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of MICHELLE RODGERS taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 9/30/95 [sic]. (dcn) [Entry date 03/23/95]

DATE	DOCKET NUMBER	PROCEEDINGS
March 22	79	JOINT DESIGNATIONS OF PORTIONS OF DEPOSITION TESTIMONY of HENRY BURNS taken by plaintiff BOSSIER PARISH, defendant JANET RENO, intervenor GEORGE PRICE on 10/6/94. (dcn) [Entry date 03/23/95]
March 29	80	MOTION filed by defendant JANET RENO the United States seeks permission to subpoena witnesses, attachment (a) (lpp) [Entry date 03/31/95]
April 3	81	ORDER by Judge Charles R. Richey : granting motion of the United States seeking permission to subpoena witnesses [80-1] by JANET RENO (N) (dbw)
April 3	82	MOTION filed by plaintiff BOSSIER PARISH to add additional counsel, Affidavit (1) (lpp) [Entry date 04/04/95]
April 4	85	MOTION filed by intervenor GEORGE PRICE seeking permission to subpoena witnesses (lpp) [Entry date 04/07/95]
April 6	83	ENTERED IN ERROR (lpp)

DATE	DOCKET NUMBER	PROCEEDINGS
April 6	—	Tele-conference before Judge Charles R. Richey: bench trial remains set for 4/10/95 10:00 a.m. Reporter: Susan Tyner (dbw) [Entry date 04/07/95]
April 6	84	ORDER by Judge Charles R. Richey : authorizing Frank M. Ferrell to assist as additional attorney of record for complainant in prosecution of its cause in this court [82-1] (N) (dbw) [Entry date 04/07/95]
April 7	86	ORDER by Judge Charles R. Richey : granting motion seeking permission to subpoena witnesses [85-1] by GEORGE PRICE (N) (dbw)
April 7	88	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Ruth Sullivan, attachment. (jeb) [Entry date 04/11/95]
April 7	89	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Marquerite Hudson; attachment. (jeb) [Entry date 04/11/95]

DATE	DOCKET NUMBER	PROCEEDINGS
April 7	90	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Michelle Rodgers; attachment. (jeb) [Entry date 04/11/95]
April 7	91	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of Barbara Blaylock; attachment. (jeb) [Entry date 04/11/95]
April 7	92	EXHIBIT list of defendant United States. (jeb) [Entry date 04/11/95]
April 7	93	AMENDED JOINT DESIGNATIONS of portions of deposition testimony of David Harvey; attachment. (jeb) [Entry date 04/11/95]
April 7	94	NOTICE OF FILING of supplemented direct testimony of S.P. Davis; attachment. (jeb) [Entry date 04/11/95]
April 7	95	NOTICE OF FILING of corrected direct testimony of Dr. George Castille; attachment. (jeb) [Entry date 04/11/95]
April 7	96	NOTICE OF FILING (jeb) [Entry date 04/11/95]

DATE	DOCKET NUMBER	PROCEEDINGS
April 7	97	AMENDED JOINT STATEMENT OF OBJECTIONS by defendant JANET RENO, intervenor-defendant GEORGE PRICE to plaintiff's cross-designations of deposition testimony of school board members. (jeb) [Entry date 04/11/95]
April 7	98	FINAL STIPULATIONS of fact and law. (jeb) [Entry date 04/11/95] [Edit date 04/11/95]
April 7	99	RESPONSE (OPPOSITIONS) by plaintiff BOSSIER PARISH to objection [97-1] by GEORGE PRICE, JANET RENO (lpp) [Entry date 04/12/95]
April 7	100	RESPONSE by plaintiff BOSSIER PARISH to motion to excude [sic] exhibit of plaintiff [59-1] by JANET RENO (lpp) [Entry date 04/12/95]
April 10	—	NON-JURY TRIAL before Judge Charles R. Richey begun and continued to 9:30 4/11/95. Reporter: Susan Tyner (dbw)

DATE	DOCKET NUMBER	PROCEEDINGS
April 10	87	ORDER by Judge Charles R. Richey : directing counsel not to use word "expert", but instead shall refer to such persons as "opinion" witnesses during trial; Attachment (1) (N) (dbw) [Edit date 04/11/95]
April 11	—	NON-JURY TRIAL before Judge Charles R. Richey resumed and concluded; case [0-0] taken under advisement; proposed findings of fact due 5/3/95 4:00 p.m. Reporter: Susan Tyner (dbw) [Edit date 04/11/95]
April 12	101	ORDER by Judge Charles R. Richey : proposed findings of fact due 4/28/95; marked-up proposed findings of fact due by 4:00 5/5/95; advising parties that when the Court issues its findings of fact, a briefing and oral argument schedule shall be issued. (N) (dbw)
April 19	102	TRANSCRIPTS (2) filed for dates of 4/10/95; 4/11/95. Volumes I and II. Reporter: Susan Page Tyner (bm) [Entry date 04/21/95]

DATE	DOCKET NUMBER	PROCEEDINGS
May 5	103	NOTICE OF FILING by defendant JANET RENO, intervenor-defendant GEORGE PRICE of marked-up proposed findings of fact and conclusions of law of plaintiff; attachment. (jeb) [Entry date 05/08/95]
May 5	104	NOTICE OF FILING by plaintiff BOSSIER PARISH of marked-up proposed findings of fact and conclusions of law of defendant and defendant-intervenor; attachment. (jeb) [Entry date 05/08/95]
May 15	105	ORDER by Judge Charles R. Richey : deferring ruling on the facts until after the Opinions are handed down in related cases before the U.S. Supreme Court; directing that on the tenth business day following the Supreme Court's issuance of its opinion in the related cases, counsel for all parties shall file simultaneous briefs on the law as a supplement to the factual supplements already filed; oral argument as to the facts of [sic] the law set for 9:30 7/19/95; (N) (jeb)

DATE	DOCKET NUMBER	PROCEEDINGS
May 25	106	ORDER by Judge Charles R. Richey : setting oral argument as to the facts and the law for 9:30 a.m. 7/27/95 and continuing thereafter until 12:00 p.m. of the same day with the understanding that counsel for all parties shall meet and confer prior to argument to divide up the time among themselves in such manner as they deem fit (N) (dbw)
July 11	107	ORDER by Judge Charles R. Richey : reminding counsel, pursuant to Court's Order of 5/15/95, they [sic] they are file [sic] file final briefs with respect to futher issues herein and the two Supreme Court Opinions entitled US v. Hays and Miller v. Johnson by 4:00 on 7/14/95; directing Clerk of Court to telephone contents of this Order to Counsel for all parties (N) (dbw)
July 12	108	SUPPLEMENTAL BRIEF by plaintiff BOSSIER PARISH; attachment (post-trial brief); exhibits (4) (No signature on pleading). (jmf) [Entry date 07/13/95] [Edit date 07/13/95]
July 14	109	POST TRIAL BRIEF by defendant JANET RENO (BULKY PLEADING) (jmf) [Entry date 07/18/95]

DATE	DOCKET NUMBER	PROCEEDINGS
July 14	110	POST TRIAL BRIEF by intervenor-defendant GEORGE PRICE (jmf) [Entry date 07/18/95]
July 24	111	NOTICE OF FILING by defendant JANET RENO of unreported decision and errata to post-trial brief; Attachments (2) (ted) [Entry date 07/25/95]
July 27	—	ORAL ARGUMENT held before Circuit Judge Laurence Silberman, Judge Charles R. Richey, and Judge Gladys Kessler Reporter: Susan Tyner (dbw)
Aug. 23	112	TRANSCRIPT filed for Oral Argument held on date(s) of July 27, 1995. Reporter: Susan Page Tyner (jmf)
Nov. 2	113	MEMORANDUM OPINION FOR THE COURT by Judge Laurence H. Silberman and Judge Charles R. Richey granting plaintiff Bossier Parish School Board the requested declaratory judgment (N); APPENDIX (2) (dbw) [Entry date 11/03/95]
Nov. 2	114	MEMORANDUM OPINION by Judge Gladys Kessler concurring in part and dissenting in part (N) (dbw) [Entry date 11/03/95]

DATE	DOCKET NUMBER	PROCEEDINGS
Nov. 2	115	ORDER by Judge Laurence H. Silberman and Judge Charles R. Richey : plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect (N) (dbw) [Entry date 11/03/95]
Dec. 27	116	(ENTERED IN ERROR) NOTICE OF APPEAL by defendant JANET RENO from order plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect [115-1], order [115-2], entered on: November 03, 1995. No fee paid U.S. Gov't; Copies mailed to James J. Thornton, Nancy Sardeson, Gaye L. Hume, Patricia A. Brannan and Samuel L. Walters. (jmf) [Entry date 12/28/95] [Edit date 01/30/96]
Dec. 27	119	NOTICE OF APPEAL by defendant JANET RENO to the U.S. Supreme Court from order plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect [115-1], order [115-2], entered on: November 03, 1995. (jmf) [Entry date 01/30/96]

DATE	DOCKET NUMBER	PROCEEDINGS
Dec. 28	—	TRANSMITTED PRELIMINARY RECORD on appeal [116-1] by JANET RENO to U.S. Court of Appeals (jmf)
1996		
Jan. 2	117	NOTICE OF FILING by defendant JANET RENO of clarification on service of previously filed notice of appeal. (jmf) [Entry date 01/03/96]
Jan. 2	118	NOTICE OF APPEAL by intervenor-defendants' to the U.S. Supreme Court from order plaintiff Bossier Parish School Board shall be, and hereby is, given preclearance for its election plan adopted on October 1, 1992, and shall have a declaratory judgment to that effect [115-1], entered on: $5.00 filing fee paid. November 03, 1995. (jmf) [Entry date 01/03/96]
March 1	120	LETTER received from Supreme Court of the U.S. that the application for extension of time within which to docket an appeal has been granted to and including March 11, 1996 (jmf) [Entry date 03/06/96]

DATE	DOCKET NUMBER	PROCEEDINGS
March 4	121	LETTER from the Supreme Court of the U.S. that the application for an extension within which to docket an appeal has been granted to and including March 18, 1996. (jmf) [Entry date 03/06/96]
Aug. 12	—	CERTIFIED and transmitted record on to U.S. Supreme Court (jmf)
1997		
June 12	122	CERTIFIED COPY of judgment filed in the Supreme Court dated 5/12/97, on appeal [118-1], appeal [119-1], remanding for further proceedings. OPINION Supreme Court #95-1455 & 95-1508 (cjp) [Entry date 06/19/97]
June 12	123	CERTIFIED COPY of judgment filed in the Supreme Court dated 5/12/97, on appeal [118-1], appeal [119-1], awarding costs SUPREME COURT # 95-1455 & 95-1508 (cjp) [Entry date 06/19/97]
June 12	—	Case Reopened (ab) [Entry date 07/07/97]
June 19	—	CASE REASSIGNED to Judge James Robertson (jmf) [Entry date 06/24/97]

DATE	DOCKET NUMBER	PROCEEDINGS
July 10	—	Record returned from US Supreme Court (jmf) [Entry date 08/13/97]
Aug. 13	124	ORDER by Judge James Robertson : directing the parties to file motions or short memoranda setting forth their views of what further proceedings are required due by 9/5/97 (N) (jeb) [Entry date 08/14/97]
Sept. 4	127	NOTICE OF FILING by plaintiff BOSSIER PARISH brief on procedures in trial court after remand (jmf) [Entry date 09/10/97]
Sept. 5	125	RESPONSE by defendant JANET RENO to Court's order dated August 13, 1997 [124-2] (jmf) [Entry date 09/08/97]
Sept. 5	126	RESPONSE by intervenor-defendants' to Court's order dated August 13, 1997 [124-2] (jmf) [Entry date 09/08/97]
Sept. 9	128	ORDER by Judge James Robertson: directing that the plaintiff may have to 10/24/97 to file a supplemental brief and defendant and defendant-intervenor to file responsive briefs due by 12/8/97 (N) (jeb) [Entry date 09/10/97]

DATE	DOCKET NUMBER	PROCEEDINGS
Sept. 19	129	ORDER by Judge James Robertson : directing that any party wishing to present additional evidence give notice by memorandum due 9/30/97; response to brief due 10/15/97; (N) (jeb)
Sept. 29	130	MEMORANDUM by plaintiff BOSSIER PARISH in response to the order of the District Court (jmf)
Oct. 23	131	NOTICE OF FILING by plaintiff BOSSIER PARISH of brief in behalf of plaintiff (jmf) [Entry date 10/24/97]
Dec. 8	132	STATEMENT filed by intervenor-defendant, regarding: brief on remand. (jmf) [Entry date 12/09/97]
Dec. 8	133	STATEMENT filed by federal defendant JANET RENO, regarding: brief on remand. (jmf) [Entry date 12/09/97]
Dec. 23	134	MOTION filed by plaintiff BOSSIER PARISH for authority to file reply brief (jmf) [Entry date 12/29/97]

DATE	DOCKET NUMBER	PROCEEDINGS
1998		
Jan. 6	135	ORDER by Judge James Robertson : granting motion for authority to file reply brief [134-1] by BOSSIER PARISH (N) (jeb) [Entry date 01/07/98]
Jan. 30	136	REPLY BRIEF by plaintiff BOSSIER PARISH (jmf) [Entry date 02/03/98]
March 20	137	ATTORNEY APPEARANCE for intervenor-defendants by Edward Still (jmf) [Entry date 03/24/98]
May 1	138	MEMORANDUM OPINION by Judge James Robertson (N) (jeb) [Entry date 05/04/98]
May 1	139	ORDER by Judge James Robertson: directing that the plaintiff Bossier Parish School [sic] is given pre-clearance for its election plan adopted on 10/1/92, and that it shall have a declaratory judgment to that effect. (N) (jeb) [Entry date 05/04/98]
July 6	140	NOTICE OF APPEAL by federal defendant JANET RENO to the U.S. Supreme Court from order [139-1], entered on: 05/04/98; fee not paid, appeal by govt. Copies mailed to counsel. (lkn) [Entry date 07/08/98] [Edit date 07/09/98]

DATE	DOCKET NUMBER	PROCEEDINGS
July 6	141	NOTICE OF APPEAL by intervenor-defendant to the U.S. Supreme Court from order [139-1] entered on: 05/04/98; fee not paid. Copies mailed to counsel. (lkn) [Entry date 07/08/98] [Edit date 07/09/98]
Sept. 26	—	US Supreme # 98-406 assigned for appeal [141-1] by intervenor-defend (jmf)

[Department of Justice letterhead omitted]

May 31, 1990

Ms. Cheryl G. Martin
Secretary-Treasurer
Bossier Parish Police Jury
P. O. Box 68
Benton, Louisiana 71006

Dear Ms. Martin:

This refers to Ordinance No. 3101 (1989) which provides for a realignment of voting precincts for Bossier Parish; Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on April 2, 1990.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

John R. Dunne
Assistant Attorney General
Civil Rights Division

By: /s/ Lora L. Tredway

for Barry H. Weinberg
Acting Chief, Voting Section

[Department of Justice letterhead omitted]

July 29, 1991

Mr. James W. Ramsey
Bossier Parish Police Jury
P. O. Box 68
Benton, Louisiana 71006

Dear Mr. Ramsey:

This refers to the 1991 redistricting plan for the police jury, the precinct realignment, twelve polling place changes, and the creation of seventeen new voting precincts and the polling places therefor for Bossier Parish, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submission on May 28, 1991; supplemental information was received on July 19, 1991.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

John R. Dunne
Assistant Attorney General
Civil Rights Division

By: /s/ Sandra Coleman

for Gerald W. Jones
Chief, Voting Section

Extract of Minutes of Bossier Parish Police Jury meeting on January 11, 1994 (Plaintiff's Exhibit 5)

* * *

Mr. Avery stated that he has spoken to Mr. Gary Joiner regarding the current issue of the Bossier Parish School Board's struggle for approval of its re-apportionment plan by the Justice Department. The school board has submitted the same plan which the Justice Department approved for the police jury two years ago, but has been denied approval. Motion was made by Mr. Meachum, seconded by Mr. Glorioso, that the Bossier Parish Police Jury clarify that it stands by its original reapportionment plan. Mr. Darby stated that he is concerned that if the school board and the police jury have different district lines, it will be confusing to Bossier Parish citizens. However, Mr. Darby indicated that he supports the police jury's original plan. Mr. Bullers, District Attorney, stated that he does not understand the position of the Justice Department and that he feels the school board will ultimately end up in court with a judge making the final decision. Votes were cast on Mr. Meachum's motion to make public the police jury's intention to maintain its current district lines. Motion carried unanimously.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CIVIL ACTION NUMBER 94-848-A2

REVEREND JESSE CARROLL KNIGHT, SR., ET AL., PLAINTIFF

v.

W. FOX MCKEITHEN, ET AL., DEFENDANTS

HONORABLE JOHN V. PARKER
AUGUST 23, 1994

COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

APPEARANCES

FOR THE PLAINTIFF:

MS. PATRICIA A. BRANNAN
ATTORNEY AT LAW

MR. JOHN W. BORKOWSKI
ATTORNEY AT LAW

MR. SAMUEL L. WALTERS
ATTORNEY AT LAW

FOR THE EAST CARROLL PARISH SCHOOL BOARD:

MR. MICHAEL LANCASTER
ATTORNEY AT LAW

MR. JAMES D. CALDWELL
ATTORNEY AT LAW

FOR THE ST. MARY PARISH SCHOOL BOARD:

MR. JAMES McCLELLAND
ATTORNEY AT LAW

FOR THE BOSSIER PARISH SCHOOL BOARD:

MR. JAMES THORNTON
ATTORNEY AT LAW

MR. FRANK M. FERRELL
ATTORNEY AT LAW

FOR THE SECRETARY OF STATE:

MS. SHERI MORRIS
ATTORNEY AT LAW

FOR RICHARD IEYOUB:

MS. ANGIE LaPLACE
ATTORNEY AT LAW

FOR THE UNITED STATES:

MS. NANCY SARDESON
ATTORNEY AT LAW

REPORTED BY: KAY RABORN, C.C.R
OFFICIAL COURT REPORTER

[2] THE COURT: ALL RIGHT, THIS WILL BE THE COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW, AT LEAST TO THE EXTENT THAT WE CAN PUT SOMETHING TOGETHER, SUBJECT, OF

COURSE, TO FURTHER ADDITIONAL FINDINGS AND CONCLUSIONS SHOULD THAT BECOME APPROPRIATE.

THIS MATTER IS BEFORE THE COURT ON A MOTION FOR PRELIMINARY INJUNCTION FILED ON BEHALF OF THE PLAINTIFFS, WHO ARE ALLEGED TO BE BLACK CITIZENS AND REGISTERED VOTERS OF EAST CARROLL AND BOSSIER PARISHES, INSOFAR AS IS CURRENTLY MATERIAL. AND THERE IS, OF COURSE, NO EVIDENCE TO THE CONTRARY.

THEY ALLEGE THAT THE SCHOOL BOARDS ARE THREATENING TO DEPRIVE THE PLAINTIFFS OF THEIR RIGHT TO PARTICIPATE EQUALLY IN PUBLIC SCHOOL BOARD ELECTIONS CONDUCTED UNDER LAWFUL NON-DISCRIMINATORY REDISTRICTING PLANS PURSUANT TO THE SCHEDULE PRESCRIBED BY STATE LAW FOR THE CONDUCT OF SUCH ELECTIONS IN VIOLATION OF THE 14TH AND 15TH AMENDMENTS, SECTIONS 2 AND 5 OF THE VOTING RIGHTS ACT OF 1965 AND 42 U.S.C. SECTION 1983.

IT IS UNDISPUTED THAT BOTH EAST CARROLL AND BOSSIER PARISHES HAVE NOT ADOPTED AND PLACED INTO EFFECT REDISTRICTING PLANS FOR THE SCHOOL BOARD. I SAID EAST CARROLL AND BOSSIER PARISHES. I MEAN, EAST CARROLL AND BOSSIER PARISHES SCHOOL BOARDS HAVE NOT ADOPTED AND SET INTO EFFECT REDISTRICTING PLANS FOR [3] THOSE RESPECTIVE BOARDS, AS THEY ARE REQUIRED TO DO, BOTH BY THE STATE LAW AND, OF COURSE, BY FEDERAL LAW.

ACCORDINGLY, THE THRUST OF THIS LITIGATION HAS TO BE TO TAKE APPROPRIATE STEPS SINCE IT IS UNDISPUTED THAT THERE IS A VIOLATION OF LAW TO TAKE APPROPRIATE STEPS TO REMEDY THE VIOLATION. I REPEAT, FOR PURPOSES OF CLARITY, THAT THE ONLY VIOLATION IS THE ONE-MAN-ONE-VOTE PRINCIPLE.

THERE ARE ALLEGED VIOLATIONS OF SECTION 2 OF THE VOTING RIGHTS ACT, BUT THAT IS NOT RELEVANT TO ANY ISSUE PRESENTLY BEFORE THE COURT. THE ONLY RELEVANCE TO SECTION 2 IS THAT IN ORDERING A REAPPORTIONMENT REDISTRICTING, THE COURT, THE BOARD, OR ANYBODY ELSE ATTEMPTING TO DRAW A PLAN, MUST COMPLY WITH ALL MEASURES OF LAW, INCLUDING SECTION 2 OF THE VOTING RIGHTS ACT.

IN ADDITION, IF THIS COURT STARTS DRAWING ANY PLANS, THE COURT SHOULD COMPLY OR THE PLAN ADOPTED BY THE COURT, ORDERED BY THE COURT, SHOULD COMPLY, IN EVERY POSSIBLE RESPECT, WITH ALL PORTIONS OF STATE LAW, WHICH ARE NOT CONTRADICTORY TO FEDERAL LAW. IT IS, I THINK, PRETTY CLEARLY ESTABLISHED THAT DISTRICT COURTS DO HAVE POWER TO FASHION INTERIM REMEDIES AND TO ORDER INTERIM PLANS INTO EFFECT WHERE NECESSARY, WHETHER [4] THERE IS ANY VIOLATION OF FEDERAL LAW, INCLUDING A VIOLATION OF THE ONE-MAN-ONE-VOTE PRINCIPLE.

ELECTIONS, OF COURSE, ARE PRESENTLY SCHEDULED ACCORDING TO THE STATE'S REGULAR TIMETABLE, THROUGHOUT THE STATE FOR SCHOOL BOARDS, AND WE HAVE STIPULATED

THAT IF THIS COURT ORDERS INTERIM PLANS INTO EFFECT, THAT QUALIFICATION TO RUN FOR OFFICE UNDER THAT PLAN WOULD BE TOMORROW, AUGUST 24TH, AND THE NEXT DAY, AUGUST 25TH, AS I RECALL.

WAS IT TWO, OR THREE DAYS, MS. MORRIS?

MS. MORRIS: THREE.

THE COURT: CONSEQUENTLY, THERE IS A GREAT NEED FOR HASTE.

NOW, IN COMPLIANCE WITH SECTION 2 OF THE VOTING RIGHTS ACT, THAT PROVISION READS, IN PART, A VIOLATION OF SUBSECTION A IS ESTABLISHED, IF BASED ON THE TOTALITY OF CIRCUMSTANCES, AS [SIC] IS SHOWN, THAT THE POLITICAL PROCESSES LEADING TO NOMINATION OR ELECTION IN THE STATE OR POLITICAL SUBDIVISION ARE NOT EQUALLY OPEN TO PARTICIPATION BY MEMBERS OF A CLASS OF CITIZENS PROTECTED BY SUBSECTION A OF THIS SECTION, IN THAT ITS MEMBERS HAVE LESS OPPORTUNITY THAN OTHER MEMBERS OF THE ELECTORATE TO PARTICIPATE IN THE POLITICAL PROCESS AND TO ELECT REPRESENTATIVES OF THEIR CHOICE. SO, THAT IS THE GOAL THAT WE MUST HAVE IN MIND WHEN WE SEEK TO [5] REAPPORTION THE SCHOOL BOARD.

THE PLAINTIFFS HAVE PRESENTED A PLAN, WHICH THEY SAY WILL FULLY COMPLY, NOT ONLY WITH ONE-MAN-ONE-VOTE, BUT WILL FULLY MEET EVERY EXPECTATION AND REQUIREMENT OF SECTION 2 OF THE VOTING RIGHTS ACT. AND I AGAIN EMPHASIZE THAT WE

DO NOT HERE HAVE ANY PROVEN VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT. WE HAVE A CLAIM BY THE PLAINTIFFS THAT DISTRICT 3 OF THE PLAN PRESENTED BY THE DEFENDANTS DOES NOT, IN MY WORDS, PRESENT AN EQUAL PLAYING FIELD SO THAT MEMBERS OF THE MINORITY DO HAVE AN OPPORTUNITY, WITH OTHER MEMBERS OF THE ELECTORATE, TO PARTICIPATE IN THE POLITICAL PROCESS AND TO ELECT REPRESENTATIVES OF THEIR CHOICE.

COUNSEL FOR THE PLAINTIFFS STARTED HER ORAL ARGUMENT A FEW MOMENTS AGO BY EMPHASIZING HOW CLOSELY THESE PLANS RESEMBLE EACH OTHER. AND THAT SEEMS, TO THE COURT, TO CERTAINLY BE CORRECT. IF MY ARITHMETIC IS STRAIGHT, THAT IS CORRECT. THE PLAINTIFFS WOULD ADD FIFTY-SIX BLACK PEOPLE OF VOTING AGE TO THAT DISTRICT AND WOULD ZONE OUT NINETY-TWO WHITE PEOPLE OF VOTING AGE IN THAT DISTRICT, WHICH WOULD CAUSE THE BLACK VOTING AGE POPULATION TO GO UP FROM 436 TO 492 AND THE WHITE VOTING AGE POPULATION TO GO DOWN FROM 239 TO 147, AND WOULD MAKE A TREMENDOUS DIFFERENCE IN THE PERCENTAGE.

[6] THE DISTRICT, AT PRESENT, AS DRAWN BY THE DEFENDANTS AND PRESENTED TO THE DEPARTMENT OF JUSTICE, HAS A VOTING AGE BLACK POPULATION OF 64.6 PERCENT, AND UNDER THE PLAINTIFFS' SUGGESTION, THESE SMALL NUMBERS WOULD PRODUCE AN INCREASE IN BLACK VOTING AGE POPULATION OF SEVENTY-SEVEN PERCENT, SOME THIRTEEN

PERCENT INCREASE, WHICH ILLUSTRATES THAT WHEN YOU'RE DEALING WITH SMALL NUMBERS, LARGE PERCENTAGES CAN RESULT.

THERE IS VERY LITTLE DIFFERENCE BETWEEN THESE PLANS. THE TESTIMONY OF DR. WEBER HAS CONVINCED ME THAT THE DISTRICT, AS DRAWN, PRESENTS A LEVEL PLAYING FIELD FOR VOTERS OF BOTH RACES.

SECTION 2 SPECIFICALLY PROVIDES NOTHING IN THIS SECTION ESTABLISHING A RIGHT TO HAVE MEMBERS OF A PROTECTED CLASS ELECTED IN NUMBERS EQUAL TO THEIR PROPORTION IN THE POPULATION.

I THINK THE PLAN DRAWN BY THE PLAINTIFFS IS WHAT THEY CALL, IN THIS TYPE OF LITIGATION, PACKING. THE EVIDENCE DOES NOT CONVINCE THE COURT THAT THERE IS ANY NECESSITY FOR PACKING IN THIS DISTRICT. THE ANALYSIS OF DR. WEBER OF THESE POLICE JURY ELECTIONS IN THIS SAME DISTRICT—WELL, THERE ARE TWO OF THEM; ONE IN THE OTHER DISTRICT, 3, AND ONE IN DISTRICT 5, WHERE BLACK POLICE JURY CANDIDATES WERE NOT ABLE TO WIN, [7] ILLUSTRATES TO ME THAT HAD THE BLACK POPULATION WANTED TO VOTE FOR THE BLACK CANDIDATE WHO LOST, THE BLACK CANDIDATE WOULD HAVE WON.

IN OTHER WORDS, THE OPPORTUNITY, IN THE WORDS OF SECTION 2, THE OPPORTUNITY IS THERE. BY REASON OF THE SIXTY-FIVE PERCENT BLACK VOTING AGE POPULATION, THIS COURT HAS NO REASON TO BELIEVE THAT THIS DISTRICT IS NOT EQUALLY OPEN TO PARTICIPA-

TION BY MEMBERS OF A CLASS OF CITIZENS PROTECTED BY SUBSECTION A.

IN OTHER WORDS, IT DOESN'T SEEM TO ME THAT THIS GEOGRAPHIC DRAWING IS LIKELY TO PRODUCE A VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT, DESPITE WHAT THE DEPARTMENT OF JUSTICE MAY HAVE SAID. THE DEPARTMENT OF JUSTICE HAS TO DO ITS THING AND THE COURT WILL HAVE TO DO ITS THING, BASED UPON THE EVIDENCE PRESENTED IN COURT.

SINCE I'M NOT CONVINCED THAT THERE IS A NEED FOR PACKING, AS THE PLAINTIFFS PROPOSE, I'M NOT WILLING TO ORDER THE PLAN PRESENTED BY THE PLAINTIFFS INTO EFFECT AS AN INTERIM PLAN FOR USE IN THIS SCHOOL BOARD ELECTION.

IT IS HIGHLY DESIRABLE, HOWEVER, THAT THERE BE ELECTIONS—AN ELECTION FOR SCHOOL BOARD IN EAST CARROLL PARISH. TO ALLOW THE ENTIRE PARISH TO BE DEPRIVED OF THE RIGHT TO VOTE FOR MEMBERS OF THE SCHOOL [8] BOARD, BECAUSE OF THIS SMALL DISAGREEMENT—WELL, IT'S NOT A SMALL DISAGREEMENT. IT'S A VERY SERIOUS DISAGREEMENT BETWEEN THE PLAINTIFFS AND THE SCHOOL BOARD. BUT A DISAGREEMENT OVER THIS SMALL NUMBER OF PEOPLE, TO DEPRIVE ALL 9,709 PEOPLE OF THE PARISH THE OPPORTUNITY TO VOTE SEEMS, TO ME, TO BE RIDICULOUS.

UNDER THE CIRCUMSTANCES, THE COURT EXERCISES ITS DISCRETION IN ORDERING PLAN

NUMBER 6, OR WHATEVER YOU CALL IT, WHICH HAS BEEN OBJECTED TO BY THE ATTORNEY GENERAL, IN EFFECT FOR THE COMING ELECTION FOR SCHOOL BOARD IN EAST CARROLL PARISH, WITH THE PROVISO THAT THIS WILL TRULY BE AN INTERIM REMEDY.

THIS PLAN AND THE TERMS OF OFFICE OF THOSE ELECTED, SHALL BE LIMITED UNTIL THE NEXT ROUND OF ELECTIONS IN THE SPRING OF 1995. AS I RECALL, A REPRESENTATIVE OF THE SECRETARY OF STATE'S OFFICE SAYS THAT'S THE NEXT TIME YOU CAN HAVE AN ELECTION IN LOUISIANA.

IS THAT CORRECT, MS. MORRIS?

MS. MORRIS: THAT'S CORRECT.

THE COURT: WHENEVER THOSE DATES ARE.

MS. MORRIS: APRIL 1ST AND 29TH.

THE COURT: I CAN'T HEAR YOU.

MS. MORRIS: THEY'RE APRIL 1ST AND APRIL 29TH.

[9] THE COURT: THAT'S THE DATES OF THE ELECTION ?

MS. MORRIS: YES.

THE COURT: OKAY. WELL, THAT IS AUGUST 23RD. BY THAT TIME, EAST CARROLL PARISH

SHOULD HAVE IN EFFECT A PERMANENT PLAN WHICH, OF COURSE, MUST BE APPROVED BY THE DEPARTMENT OF JUSTICE UNDER SECTION 5 OF THE VOTING RIGHTS ACT.

I DON'T CARE WHAT PLAN IS APPROVED. I SAY APPROVED. THEY JUST HAVE NO OBJECTION. IT'S NOT TECHNICALLY UNAPPROVED. PERHAPS YOU CAN WORK WITH THESE PLAINTIFFS AND COME UP WITH SOMETHING THAT THE DEPARTMENT OF JUSTICE CAN APPROVE, ALL THE WHILE BEARING IN MIND THAT YOU DON'T WANT TO SPLIT PRECINCTS OR OTHERWISE FAIL TO COMPLY FULLY WITH LOUISIANA LAW UNLESS IT'S ABSOLUTELY NECESSARY TO DO SO.

WHATEVER THE PLAN IS MUST BE RESUBMITTED TO THE COURT WELL IN ADVANCE. OR, IF YOU WANT TO AGAIN SUBMIT COMPETING PLANS, THAT WILL BE ALL RIGHT, TOO, BECAUSE THIS IS ONLY ON A MOTION FOR PRELIMINARY INJUNCTION AND THE MERITS OF THE CASE HAVE YET TO BE REACHED. I THINK PERHAPS YOU WERE WISE, COUNSEL, IN SUGGESTING THAT WE NOT ADVANCE TRIAL OF THE MERITS, AS THE COURT SUGGESTED THE OTHER DAY. IF NECESSARY, THE COURT WILL FIX A TIME BY WHICH YOU NEED TO RESUBMIT THAT PLAN, BUT RIGHT NOW, [10] I'M NOT GOING TO DO IT. I THINK WE'RE TOO UNCERTAIN AS TO WHAT THE TIME MIGHT BE.

AS FAR AS I KNOW, THAT TAKES CARE OF THE BUSINESS WITH EAST CARROLL.

THERE REMAINS ON THE TABLE THE SCHOOL BOARD OF BOSSIER PARISH. BOSSIER HAS

SUBMITTED A PLAN TO THE DEPARTMENT OF JUSTICE, TO WHICH OBJECTION HAS BEEN TAKEN AND BOSSIER HAS FILED SUIT IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

LET ME BACK UP ONE MINUTE. I DON'T FIND THAT THE EAST CARROLL PARISH SCHOOL BOARD HAS BEEN DELIBERATELY DRAGGING ITS COLLECTIVE FEET IN AN ATTEMPT TO BE DILATORY OR NOT REAPPORTION. AND THERE IS NO EVIDENCE BEFORE THE COURT THAT ANY OF WHAT WENT INTO THEIR PLAN IS DELIBERATELY INTENTIONALLY RACIALLY MOTIVATED OR INTENDED TO DILUTE BLACK VOTING STRENGTH OR OTHERWISE TO ATTEMPT TO PENALIZE OR DISENFRANCHISE MEMBERS OF THE MINORITY.

I THINK THE EAST CARROLL SCHOOL BOARD, AS HAS BEEN POINTED OUT, IS ONE OF THE POOREST PLACES IN THE—THE PARISH IS ONE OF THE POOREST PLACES IN THE UNITED STATES, AND I THINK THE BOARD HAS ATTEMPTED TO GET A REDISTRICTING PLAN IN AS ECONOMICAL A FASHION AS POSSIBLE. AND THAT'S ONE OF THE REASONS THEY WANTED TO DO IT THE SAME WAY THE POLICE JURY DID. BECAUSE THEY [11] DIDN'T HAVE TO HIRE SOME HIGH-PRICED EXPERT TO DRAW THEM A PLAN, IF THEY JUST ADOPTED THE POLICE JURY PLAN. AND WHEN THE DEPARTMENT OF JUSTICE OFFERED NO OBJECTION TO THE POLICE JURY PLAN, THAT CERTAINLY ENCOURAGED THEM TO THINK THAT IF IT'S SAUCE FOR THE GOOSE, IT OUGHT TO BE SAUCE FOR THE GANDER. OF COURSE, AS IT TURNS OUT, THEY WERE WRONG.

NOW, BACK TO BOSSIER. BOSSIER HAS SUBMITTED THE PLAN TO WHICH THE DEPARTMENT OF JUSTICE HAS MADE AN OBJECTION, AND A SUIT HAS BEEN FILED IN THE DISTRICT OF COLUMBIA. THE BOSSIER SCHOOL BOARD HAD MOVED FOR A STAY OF THESE PROCEEDINGS PENDING THE OUTCOME OF THAT PROCEEDING. I DON'T KNOW WHETHER I FORMALLY RULED ON THAT, BUT IF I HAVEN'T, THAT MOTION FOR THE STAY IS DENIED. OBVIOUSLY, WE HAVE PROCEEDED AND DID PROCEED.

THE SITUATION IN BOSSIER IS SIMILAR TO THE SITUATION IN EAST CARROLL IN THAT THE PLAN SUBMITTED BY THE BOSSIER SCHOOL BOARD TO THE DEPARTMENT OF JUSTICE IS IDENTICAL TO THAT WHICH WAS SUBMITTED BY THE BOSSIER POLICE JURY TO THE DEPARTMENT OF JUSTICE, TO WHICH NO OBJECTION WAS MADE BY THE DEPARTMENT.

THERE IS PERHAPS EVIDENCE OF SOME DELAY ON THE PART OF BOSSIER PARISH SINCE THE DEPARTMENT OF JUSTICE APPROVED THE BOSSIER POLICE JURY PLAN LONG AGO. I'VE FORGOTTEN JUST HOW LONG AGO. AND THERE WAS SOME [12] TIME LAG BETWEEN THAT APPROVAL AND SUBMISSION OF THE SCHOOL BOARD PLAN. BUT I DON'T FIND THERE IS ANY REAL EVIDENCE ON THE PART OF BOSSIER DELIBERATELY PERPETUATING THEMSELVES IN OFFICE, ALTHOUGH, THAT IS, OF COURSE, THE EFFECT OF NOT HAVING APPROVAL FROM THE DEPARTMENT OF JUSTICE, BECAUSE OF STATE LAW, WHICH PROVIDES THAT THEY SHALL

REMAIN IN OFFICE UNTIL THEIR SUCCESSORS ARE QUALIFIED.

THE PLAINTIFFS HAVE PROPOSED AN INTERIM PLAN FOR BOSSIER, AND, FRANKLY, THAT PLAN OFFENDS THE COURT BECAUSE IT MOST NEARLY RESEMBLES AN OCTOPUS AS IT STRETCHES OUT TO THE NOOKS AND CRANNIES OF THE PARISH IN ORDER TO COLLECT ENOUGH BLACK VOTING AGE POPULATION TO CREATE NOT ONE, BUT TWO, MAJORITY BLACK DISTRICTS IN BOSSIER. THE PERCENTAGE OF BLACK VOTING AGE POPULATION IN BOSSIER PARISH, ACCORDING TO THE INFORMATION SUBMITTED TO ME IS 17.7 PERCENT AND 20.2 PERCENT OF THE TOTAL PARISH POPULATION.

I'M NOT COMFORTABLE WITH THE PLAN PRESENTED BY THE PLAINTIFFS. I HAVE NOT HAD SUFFICIENT TIME OR SUFFICIENT EVIDENCE PRESENTED TO CONVINCE ME THAT SOME OTHER PLAN, WHICH COMPLIES WITH SECTION 2 OF THE VOTING RIGHTS ACT, CANNOT BE DRAWN THAT WILL RECOGNIZE COMPACTNESS AND WILL NOT ZIG-ZAG ALL OVER THE PARISH.

THIS COURT IS STILL OF THE OPINION THAT OTHER [13] PRINCIPLES OF DRAWING ELECTION DISTRICTS STILL APPLY, SUCH AS NATURAL BOUNDARIES AND HISTORICAL BOUNDARIES, RECOGNITION OF CITY LIMITS, RECOGNITION OF COMMON INTEREST OF A POPULATION, AND COMPACTNESS. THE PLANTIFFS' PLAN DOESN'T DO THAT.

I DON'T HAVE ANY EVIDENCE ABOUT THE PLAN SUBMITTED BY THE BOSSIER SCHOOL BOARD,

OTHER THAN THEIR LAWYER, MR. THORNTON, SAYS IT'S FINE. UNDER THOSE CIRCUMSTANCES, I CANNOT ORDER THE PLAINTIFFS' PLAN INTO EFFECT AS AN INTERIM PLAN, AND I DON'T HAVE SUFFICIENT INFORMATION ABOUT THE DEFENDANT'S PLAN TO FEEL COMFORTABLE ORDERING IT INTO EFFECT. UNDER THOSE CIRCUMSTANCES, I WILL DECLINE TO ORDER ANY PLAN INTO EFFECT AT THIS TIME.

IF THAT SEEMS RATHER ODD, IF IT'S IMPORTANT TO HAVE AN ELECTION IN EAST CARROLL, WHY ISN'T IT IMPORTANT TO HAVE AN ELECTION IN BOSSIER? WELL, IT IS. BUT DUE TO THE HASTE OF THESE PROCEEDINGS, THE ELECTION BEING SCHEDULED SO QUICKLY, THE COURT SIMPLY IS NOT SATISFIED WITH ANY PLAN WHICH HAS BEEN PRESENTED TO IT, NOR DO I HAVE SUFFICIENT INFORMATION TO FEEL COMFORTABLE IN ATTEMPTING TO DEVISE A PLAN OF MY OWN.

HOWEVER, BETWEEN NOW AND THE TIME WE TAKE THE MATTER UP ON THE MERITS, I WOULD EXPECT THAT ADDITIONAL PLANS BE PROPOSED. I DON'T THINK YOU CAN GET TWO [14] MAJORITY BLACK DISTRICTS IN THE PARISH OF BOSSIER WITHOUT GERRYMANDERING THE DISTRICTS. SO, I WOULD EXPECT BETWEEN NOW AND THE TRIAL OF THIS CASE ON THE MERITS BOTH SIDES MAY WELL WANT TO SUBMIT ADDITIONAL PLANS. AND BEFORE THE SCHEDULED TIME FOR ELECTIONS, IN THE SPRING OF NEXT YEAR, WE'LL HAVE A PLAN FROM THE COURT, OR BOSSIER SCHOOL BOARD WILL HAVE A NO OBJECTION BLESSING

FROM THE DISTRICT COURT IN THE DISTRICT OF COLUMBIA.

LET ME REPHRASE THAT SO THAT EVERYBODY UNDERSTANDS WHAT I'M SAYING. WE'RE GOING TO HAVE A PLAN FOR ELECTIONS NEXT SPRING, WHETHER THIS COURT DOES IT OR THE COURT IN THE DISTRICT OF COLUMBIA DOES IT. SO, AT THIS TIME THE COURT DECLINES TO ISSUE ANY INJUNCTION RELATIVE TO THE PARISH OF BOSSIER.

IF I NEED TO, I'LL MAKE SUPPLEMENTAL FINDINGS AND CONCLUSIONS.

I CAN'T THINK OF ANYTHING I HAVEN'T COVERED. IF I'VE OMITTED SOMETHING, SOMEBODY SOUND OFF. WE ONLY HAVE THESE TWO LEFT, DON'T WE?

ALL RIGHT, COURT WILL BE IN RECESS.

(COURT RECESSED AT 3:30 P.M.)

Excerpts from Appellee's Exhibit 15 (Direct Testimony of School Board Member Barry C. Musgrove)

[2]

* * * * *

Under the Police Jury plan which we adopted as our redistricting plan, my district would lose a large slice of territory in the south, the sparsely populated area I referred to earlier, and would gain [3] constituents a little to the north in the area of Parkway High School and in the Shady Grove area. If the Bossier Plan is adopted, I would be in the same district as Ms. Juanita Jackson. Another district would also have two incumbents living within its boundaries and two districts would have no incumbents. Personally, I do not intend to run again because to be a good and conscientious board member requires more time than I have. The bank I work for is expanding and my responsibilities require more travel which is very likely to interfere with my school board activities. I would not want to serve on the School board unless I had the time to attend to my duties conscientiously.

[5]

* * * * *

Either before the Police Jury plan was completed or during the process, we talked with Mr. Gary Joiner, the demographer who was assisting the Police Jury, about drawing our plan. Our Superintendent recommended that we hire him. I had met him earlier when I was campaigning for a candidate for the BESSIE Board (a Louisiana board regulating elementary and secondary education throughout the state) and attended a school board meeting in Claiborne parish (a short distance

from Bossier Parish and situated in North Louisiana). At the time Mr. Joiner was talking to the Claiborne Parish School Board, and this was the first time I was introduced to Mr. Joiner. I had no further contact with him until he came before our Board. I did at that time, however, know who he was. I do not remember whether the appeared before our board before he was hired by us. He might have. I believe in about August, 1992 that Mr. Joiner made a presentation to our board. I believe this presentation took place after a regular board meeting but it could very well have been scheduled at some other time. We huddled around the screen and as I recall, he showed us some options and answered questions from board members about their proposed districts. The only complete plan I specifically recall was the Police Jury plan. He seemed to be saying "I looked at this but it did not work out" when he discussed other options. He have us some background and [6] I recall him saying that he could not contrive a black majority district with the population demographics of the parish. He emphasized that the only way a black district could be drawn was to cut and split precinct lines which violated state law. He was also asking for our input, and he told us he was still working on options. Personally, I was looking for his recommendation because I considered him the expert, and I certainly knew nothing about demography. Basically, I was asking Mr. Joiner to come up with a fair and legal plan and, in fact, relying on him to do so.

At some point in the fall of 1992, Mr. George Price presented a plan that had been drawn by the NAACP. It was about the time we voted to adopt the Police Jury plan. Mr. Price at the Board meeting expressed concern that he and other blacks had had no input into

the redistricting process and that he would appreciate our looking at the NAACP plan that contained two black districts. Mr. David Harvey was then president of the School Board and he asked Mr. Joiner who was present if he had seen the plan. Mr. Joiner answered in the affirmative. When asked further about the plan, he said it violated Louisiana law because it cut or split precinct lines. I do not recall exactly how many precinct cuts he mentioned by the number fifty-six sticks in my memory. I recall Mr. Price saying that federal law supersedes state law and I also recall Mr. James Bullers, the Bossier Parish District Attorney and legal counsel to the Board, saying that we [7] were obligated to follow Louisiana law. In short, we could not split and cut precincts. That exchange certainly ruled out the NAACP plan for me and I would think for the rest of the board as well. I also recall that the NAACP map showed districts of very odd configurations.

As this point I was generally satisfied with the Police Jury plan because it seemed a fair plan, it was in harmony with the laws of Louisiana, and it had already been precleared by the Justice Department. It seemed inconceivable to any of us that the Justice Department would preclear the plan for the Police Jury and object to the identical plan for the School Board. My willingness to adopt the Police Jury plan was not to any degree whatever based on race; it was based on convenience and the fact that it had already been found acceptable. That would have been my position if it had contained three black majority districts. I, and I think most of the members of the School Board simply wanted an end to this matter in order to get on to other things.

I do not recall the Board ever directly telling Mr. Joiner to draw black majority districts. There was no necessity because he had already told us that if the options permitted, we should look at drawing one or more black majority districts. I left it to him to look at the options and if an option contained one or more black districts, I expected him to make us aware of it. I believe he was addressing this matter when he explained that he could not legally draw a black majority district that did not [8] violate Louisiana law. Mr. Joiner made it quite clear from the beginning that if he could draw a black majority district we would certainly be required to look at the option. After he had drafted the Police Jury plan, I suppose that he was prepared to tell us that he legally could not fashion a black majority district.

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Excerpts from Appellee's Exhibit 17 (Direct Testimony of School Board Cartographer Gary Dillard Joiner)

[5]

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I would like to explain the enormity of the problem faced by the members of the Bossier Parish School Board in attempting to create black majority districts in Bossier Parish. As I have previously mentioned, it was illegal for the members of the school board to cut or split existing precincts. The only possible way to create black majority districts is on a census block level as opposed to a precinct level. But since that can't be done, you have to look at making precinct [6] cuts. When I attempted to create a black majority district within Bossier City the lowest number of cuts that I made was approximately fourteen (14). These precinct violations would have created fourteen new precincts inside Bossier City, primarily along the river. When I attempted then to add another black majority district to the north, the lowest combination of the two districts that I could come up with was something in the neighborhood of fifty-eight or sixty cuts. When I studied the original plan submitted by the NAACP which created two black majority districts, their plan had one hundred and sixty-two cuts. Each cut, and the creation of a new precinct requires a separate voting machine and a separate set of voting commissioners. This creates a serious additional cost factor for the voters of Bossier Parish, not to mention the confusion of the voter. To make matters worse for the members of

the Bossier Parish School Board was the fact that Mr. James Bullers, the District Attorney of Bossier Parish and their legal counsel, advised them that they could not adopt a plan that cut or created new precincts.

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U.S. Exhibit 23

Bossier Parish School Board Memoandum identifying minutes relating to redistricting

[Bossier Parish School Board letterhead omitted]

MEMORANDUM

Subject: MINUTES of the Bossier Parish School Board
Reference: Redistricting

Meeting Date	Page(s)	Reference
May 12, 1990	Page 54	Information on HB #1444 Delay of election 1990
October 18, 1990	Page 121	Motion to cooperate with BPPJ on redistricting
May 2, 1991	Page 212-213	Employment of demographer
September 5, 1991	Page 280	Maps outlining BPPJ districts
October 3, 1991	Page 294	Discussion/report
October 17, 1991	Page 300	Additional maps provided
August 20, 1992	Page 39	George Price addresses Board Re: Appointment of black to fill vacancy
September 3, 1992	Page 50	George Price presents NAACP district proposal

September 10, 1992	Pages 59-60	Appointment of black (Blunt) to fill vacancy in District K
September 17, 1992	Pages 61- 62	George Price presents NAACP plan for election districts
		Others address Board on redistricting
		Demographer presents recommendation
		Motion of intent to adopt and notice for public review
October 1, 1992	Pages 65-67	Resolution adopting reapportionment of 12 election districts
December 17, 1992	Page 99	Status of filing redistricting plan
March 18, 1993	Page 131	Dept. of Justice requests reformatting of material presented
April 1, 1993	Page 143	Report on resubmission of plan and demographer visit to Washington, D.C.
June 3, 1993	Page 170	Report on correspondence from Dept. of Justice

September 2, 1993	Page 212	Board instructs legal counsel to request Dept. of Justice to reconsider plan
September 16, 1993	Page 217	George Price objects to Board asking reconsideration ofplan
November 4, 1993	Pages 241-242	Employment of special counsel
November 18, 1993	Pages 244-245	Price reports letter sent to Attorney General requesting fees for counsel be denied
January 20, 1994	Page 69	Demographer asked to review plan for any possibilities of redrawing lines without gerrymandering
March 17, 1994	Page 297	Counsel to proceed in matters with Dept. of Justice
April 7, 1994	Pages 306-307	Ratification of employment of special counsel
May 5, 1994	Page 319	Discussion to ask Attorney General for opinion on when to employ special counsel

July 7, 1994	Page 345	Report on contact with special counsel
July 21, 1994	Page 351	Board receives information from special counsel
August 4, 1994	Page 354	Executive Session to discuss litigation
September 1, 1994	Page 368	Executive Session to discuss litigation
September 15, 1994	Page 376	Price requests cost of litigation

Excerpts from U.S. Exhibit 26 (Bossier Parish School Board Minutes, May 2, 1991)

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[212]

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The President said Dr. Peterson had asked that Item No. 13 on the agenda, a discussion of redistricting, be taken up next. Dr. Peterson introduced Gary Joiner, a demographer, who had drawn up a redistricting plan for the Bossier Parish Police Jury. Dr. Peterson said he would like for the board to meet with Mr. Joiner at another time to discuss what he has proposed to suit the needs of the police [213] jury, as a result of the 1990 Census. Dr. Peterson said that following Mr. Joiner's presentation he would recommend that the Board engage his services to begin the redistricting process for the School Board.

Mr. Joiner said Bossier Parish gained about four percent in population over the last ten years. Eastwood and Haughton have mushroomed and it is almost possible to create a district out of Dogwood and Country Place. He said it was not done, however. Over the next 10 years he said the Haughton area would likely gain another district and Bossier City would likely lose one. The northern portion of the parish, north of Benton, would likely be one district and could very well be a black district. Another borderline district is the southern portion of the parish, south of Sligo Road. The area along East Texas Street in Bossier City may also become a black district in the future.

The total black population of Bossier Parish as of 1990 is almost exactly 20 percent, Mr. Joiner said. He said there are currently no concentrations of black population heavy enough to provide for a majority black district.

Bossier Parish is one of only three parishes in the northern half of the state to have a net growth. Caddo Parish lost 4,000 people and Shreveport lost 10,000.

While the police jury has been under the gun to establish new district lines prior to October elections, Mr. Joiner explained that the School Board has the luxury of time. Board members would not campaign along the new district lines until 1993.

Mr. Joiner said his fee is $35.00 an hour and he estimates his work will take from 200 to 250 hours.

Mr. Musgrove asked that Mr. Joiner provide diagrams of current school board districts with the proposed police jury lines superimposed. He said color-coded maps could be provided.

Dr. Peterson recommended that Mr. Joiner be engaged by the School Board to plan redistricting lines. Motion was made by Mr. Musgrove and seconded by Mr. Harvey. The vote was unanimous.

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Excerpts from U.S. Exhibit 27 (Bossier Parish School Board Minutes, Sep. 5, 1991)

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[281]

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Mr. Gary Joiner, demographer, distributed sets of configuration maps outlining the new legal precincts for the Bossier Parish Police Jury. He requested that the members of the Board complete a survey of concerns. Mr. Joiner plans to work individually with members of the Board and in small groups to develop a reapportionment plan that the Department of Justice will approve.

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Excerpts from U.S. Exhibit 28 (Bossier Parish School Board Minutes, Oct. 3, 1991)

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[294]

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The board discussed the progress of the redistricting of election districts. Mr. Lewis stated that maps and other pertinent information had been sent to Mr. Gary Joiner, the demographer employed to prepare a redistricting plan.

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Excerpts from U.S. Exhibit 29 (Bossier Parish School Board Minutes, Oct. 17, 1991)

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[360]

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Mr. Gary Joiner, demographer, will provide map overlays illustrating the relationship of the present Bossier Parish School Board election districts with the redistricting map approved by the Bossier Parish Police Jury.

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Excerpts from U.S. Exhibit 30 (Bossier Parish School Board Minutes, Aug. 20, 1992)

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[39]

Mr. George S. Price, President of the Bossier Parish Branch NAACP, addressed the Board regarding immediate concerns that affect blacks in the Bossier Parish School System. Mr. Price presented a paper enumerating ten (10) solutions to these concerns: 1) the appointment of a black to fill the current vacancy on the Board; 2) development of an early recruitment program for black teachers, 3) diligence in recruiting, hiring, retaining, and promoting African Americans; 4) offering alternate certification to liberal arts majors; 5) development of a reassignment and transfer program to insure parity or equalization of minorities at all schools; 6) organize a recruitment program with predominantly black colleges; 7) encourage parish graduates to pursue education as a major and return to Bossier to work and live; 8) appoint a black to the vacant position in District K; 9) encourage Superintendent and Board to be actively involved in all communities; 10) guarantee participation of every Parish citizen in reapportionment of school board districts.

* * * * *

U.S. Exhibit 31

THURSDAY: September 3, 1992

20A THE TIMES' OPINION

[BANNER OMITTED]

▼EDITORIALS

Bossier board

Consider minority for vacancy

The facts speak for themselves: Of Louisiana's 66 public school boards, the Bossier Parish School Board is the only one without a minority member. It's also the only board that has *never* had a minority member.

Yet 20 percent of Bossier Parish's population is made up of minority citizens, according to the 1990 Census, and black students make up 28 percent of the system's enrollment.

But 90 percent of Bossier Parish teachers are white, and there are concerns that recruitment of minority teachers is lax.

Today, the Bossier Parish School Board has before it a unique opportunity to bring at least one of those numbers more in line with its constituency. In so doing, the board would offer a strengthened hand of good faith to the parish's minority community, its teachers, students and taxpayers.

With the resignation of District K member Bobby Moseley, its [*sic*] becomes the School Board's duty to

appoint someone to fill the slot until next spring's election.

Appointing a minority citizen would stand as clear evidence that the board hears—and wishes to address—concerns of minority taxpayers: diligence in minority teacher recruitment, development of a minority-majority student transfer program, encourage more involvement between school system administrators and taxpayers.

Moreover, the board would gain diversity that would put greater perspective on the decision-making table. And those Bossier Parish voters who have felt disenfranchised because of the board's current districts—none of which have majority-black voter registration—would feel newfound representation.

Existing district lines make it virtually impossible for a minority to gain election to the board. And that, understandably, has fostered the feeling among many minority taxpayers that their voice has been muzzled.

The board's district lines are almost sure to change when the parish draws up new boundaries prior to next year's election, and the redistricting likely will allow minority voters a stronger voice at the polls—and, ultimately, on the School Board.

But for now, the Bossier Parish School Board, as a taxpayer-elected body charged with meeting the needs of all its students, should consider the opportunity before it as a good faith way to begin the change.

Excerpts from U.S. Exhibit 32 (Bossier Parish School Board Minutes, Sep. 3, 1992)

[50]

* * * * *

Mr. James Abrams, 617 Kelly Street, Bossier City, Louisiana, addressed the Board regarding the appointment of a minority representative to fill the vacancy in School Election District *K*.

Mr. George S. Price, President of the Bossier Parish Branch NAACP and representing various black organizations throughout the parish, addressed the Board regarding the concerns of the black communities as to representation on the Board; recruitment of black teachers; role models, academic progress and participation in school activities for black students; and redistricting of election districts. Mr. Price presented the NAACP Proposal for Election Districts for the Board's consideration.

[51] The following resolution declaring a vacancy in School Election District *K* and calling for a special election to fill that vacancy was offered by Mrs. Gray and seconded by Mr. Hensley:

RESOLUTION AND PROCLAMATION OF THE BOSSIER PARISH SCHOOL BOARD ADOPTED AT THE MEETING OF SEPTEMBER 3, 1992

BE IT RESOLVED by the Bossier Parish School Board in regular session duly convened, that:

I. Acting under and in accordance with the Constitution and laws of the State of Louisiana, including

particularly L.R.S. 18:602 and L.R.S. 18:402, the Bossier Parish School Board does hereby resolve and proclaim that:

A. Due to the resignation of Robert H. Moseley, effective August 31, 1992, and, acting pursuant to L.R.S. 18:602(B), the Bossier Parish School Board does hereby declare that a vacancy exists in the position of the member of the Bossier Parish School Board from Election District *K*.

B. As the unexpired term of office of Robert H. Moseley, School Board member from Election District *K*, exceeds one (1) year, the Bossier Parish School Board, acting pursuant to L.R.S. 18:602(B) and L.R.S. 18:402(E)(1), does hereby order a special election to fill the aforementioned vacancy with the special primary election to be held on April 3, 1993, and the special general election to be held on May 1, 1993. The qualifying period for the special primary election shall be between Wednesday, January 27, 1993, and Friday, January 29, 1993. Such elections shall be conducted in accordance with the laws of the State of Louisiana.

II. BE IT FURTHER RESOLVED that this resolution and proclamation be immediately published in the official journal of this School Board.

III. BE IT FURTHER RESOLVED that, within twenty-four (24) hours hereof, a copy of this resolution and proclamation be sent to the Clerk of the District

Court for Bossier Parish and to the Secretary of State of the State of Louisiana by certified or registered mail.

IV. BE IT FURTHER RESOLVED that the Clerk of Court and Secretary of State, and all other officials having responsibilities with respect to said special election and this resolution and proclamation, be requested to perform the duties incumbent upon them.

The vote was as follows:

Yeas: Mr. David Harvey, Mrs. Susan H. Barrera, Mrs. Barbara Blaylock, Mr. Henry Burns, Mrs. Barbara W. Gray, Mr. Boyce "Dude" Hensley, Mrs. Marguerite Hudson, Mr. Barry Musgrove, Mr. Tom Myrick, and Ms. Michelle Rodgers.

Nays: None.

Absent: Mrs. Ruth Sullivan.

The resolution declaring the vacancy in School Election District *K* and calling a Special Election was adopted.

[52] The members of the Board agreed on the following procedure as read by the President for filling the vacancy until the special election:

PROCEDURE FOR FILLING VACANCY IN SCHOOL ELECTION DISTRICT *K* UNTIL SPECIAL ELECTION

Persons interested in filling the vacancy in School Election District *K* until the Special Election may send a letter of intent and a resume to David Harvey, President of the Bossier Parish School Board, P. O. Box 2000, Benton, Louisiana 71006. Letters of intent will be received until 4:00 p.m. on Wednesday, September 9, 1992. Letters received

after 4:00 p.m. or application by phone call will not be considered.

A special meeting of the Board will be held at 5:00 p.m. on Thursday, September 10, 1992, at the Central Office in Benton, Louisiana, to interview those persons who have made written application to fill the vacancy. Interviews will be scheduled alphabetically by last name. Any interested person must attend the interview to be considered for the vacancy.

Following the interviews, the Board will discuss and appoint a member to represent School Election District *K* until the special election is held. The person appointed will be sworn in at the meeting of September 17, 1992.

Mr. Gary Joiner, demographer, was present to review the legalities involved in the redistricting process according to the 1965 Voting Rights Act. Redistricting is mandated every ten years as based on population reported by the United States Department of Census. The Board is required to submit a plan by December 31, 1992, for the approval of the United States Department of Justice. Mr. Joiner provided maps with proposed district lines and discussed the proposals before the Board for further review before a recommendation is presented.

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Excerpts from U.S. Exhibit 34 (Bossier Parish School Board Minutes, Sep. 17, 1992)

[61]

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Miss Wilna Mabry, Clerk of Court, Parish of Bossier, State of Louisiana, was present to deliver the Oath of Office to Jerome A. Blunt, Election District *K*.

* * * * *

Mr. George S. Price addressed the Board representing the following organizations: NAACP, Men's Club of Bossier, Voters League, Concerned Citizens, Bossier Housing Tenant Coalition, and the Concerned Parents of Plain Dealing. Mr. [62] Price presented a plan developed by the NAACP for the redistricting of School Election Districts.

Mr. Herschel Brown, 249 W. 77th Street, Shreveport, Louisiana, and Mr. Ed Wempe, 617 Sistrunk, Bossier City, Louisiana, also addressed the Board regarding district representation and redistricting of election district lines.

Mr. Gary Joiner, demographer, reviewed the processes involved in adopting a redistricting plan for election districts for submission to the United States Department of Justice. Mr. Joiner, as the Board's consultant, presented a redistricting plan for the Board's consideration.

A motion of intent to adopt the redistricting plan for school election districts as recommended by the demogapher was made by Mr. Hensley and seconded by Mrs. Gray. The vote was unanimous.

The President stated that maps outlining the intended school districts will be on display during office hours for examination by the public until 4:00 p.m. Thursday, September 24, 1992. At 7:00 p.m., Thursday, September 24, there will be an official called meeting of the Board for public input regarding the recommended school election district lines. Input from the September 24 meeting will be considered by the Board and the Board's consultant, and final action will be taken on the redistricting of school election districts at the meeting of October 1, 1992.

* * * * *

Excerpts from U.S. Exhibit 35 (Minutes of Bossier Parish School Board Public Hearing, Sep. 24, 1992)

BOSSIER PARISH SCHOOL BOARD

September 24, 1992

PUBLIC HEARING

REDISTRICTING OF SCHOOL ELECTION DISTRICTS

A public hearing on the redistricting plan for school election districts, which had been duly advertised as available for inspection by the public at the Bossier Parish School Board Central Office, was held in an official session at 7:00 p.m. on Thursday, September 24, 1992, at the regular meeting place in Benton, Louisiana. All members of the Board were present except Susan Barrera and Boyce "Dude" Hensley. District Attorney James Bullers was also present, as were members of the staff.

Forty persons registered their attendance. The President welcomed the persons assembled and stated that the hearing was scheduled to receive public input and comments regarding the Bossier Parish School Board's motion of intent to adopt election district lines in accordance with Bossier Parish Police Jury lines, as approved by the United States Department of Justice.

The President opened the floor for public comment. The following people addressed the Board:

Name	Address	City	Telephone
George S. Price	2110 Venus Dr.	Bossier City	746-1737
James Bullers, D.A.	P.O. Box 69	Benton	965-2332
Herschel Brown	249 W. 70th	Shreveport	687-7097
Rev. Dorothy Whitehead	1906 Scott St.	Bossier City	746-2675
Andrew Davis, Jr.	Rt. 2, Box 288	Plain Dealing	
John Dansby	1912 Camille	Bossier City	742-8472
Helen Williams Paige	P.O. Box 5580	Bossier City	
Chauncy Wilkins	Box 473	Plain Dealing	
Betty Rettig	Box 1535	Plain Dealing	
Clarence Smith	P.O. Box 483	Plain Dealing	326-5097
Essie Graham	Rt. 2, Box 107	Plain Dealing	326-4763
Jerry Hawkins	P.O. Box 334	Benton	965-9038
Ed Wempe	617 Sistrunk Lane	Bossier City	
Grace Jenkins	P.O. Box 656	Benton	965-0423
Thelma Harry	902 Wright Ave.	Benton	

There being no further comment, the meeting was adjourned at 8:00 p.m. on motion by Mrs. Blaylock and seconded by Mrs. Hudson. The vote was unanimous.

Excerpts from U.S. Exhibit 36 (Bossier Parish School Board Minutes, Oct. 1, 1992)

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35]

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It was moved by Marguerite Hudson and seconded by Michelle Rodgers adopting the following resolution:

RESOLUTION

By the Bossier Parish School Board:

A Resolution reapportioning Bossier Parish into twelve school board districts

BE IT RESOLVED, by the Bossier Parish School Board, meeting in legal session convened, that it does hereby establish twelve school board districts which, in total, shall comprise the whole of Bossier Parish, Louisiana.

[66] BE IT FURTHER RESOLVED that the precincts used to comprise the twelve school board districts are the same precincts numbered and described by the Bossier Parish Police Jury and adopted on April 30, 1991 in Ordinance Number 3153 of 1991 and precleared by the U.S. Department of Justice on July 29, 1991 and that those enumerated precincts shall be apportioned as follows among the twelve respective school board districts, to wit:

DISTRICT ONE:

Precinct 4-3C, Precinct 4-5, Precinct 4-6, Precinct 4-7, Precinct 4-8B, and Precinct 4-9.

DISTRICT TWO:

Precinct 4-3B, Precinct 4-4, and Precinct 4-11B.

DISTRICT THREE:

Precinct 2-1, Precinct 2-18B, Precinct 2-22, Precinct 4-2, and Precinct 4-3A.

DISTRICT FOUR:

Precinct 2-18A, Precinct 3-1, Precinct 3-2, Precinct 3-3, Precinct 3-4, Precinct 4-1, and precinct 4-3D

DISTRICT FIVE:

Precinct 2-3, Precinct 2-17A, Precinct 2-21B, Precinct 4-11A, and Precinct 4-11C.

DISTRICT SIX:

Precinct 2-2, Precinct 2-4, Precinct 2-7, Precinct 2-10, Precinct 2-18C, and Precinct 2-21A.

DISTRICT SEVEN:

Precinct 2-5, Precinct 2-6, Precinct 2-8, Precinct 2-9, and Precinct 2-12B.

DISTRICT EIGHT:

Precinct 2-11, Precinct 2-12A, Precinct 2-17B, and Precinct 2-19.

DISTRICT NINE:

Precinct 2-12C, Precinct 2-13, Precinct 2-14, Precinct 2-20, and Precinct 2-23.

DISTRICT TEN:

Precinct 2-15 and Precinct 2-16.

DISTRICT ELEVEN:

Precinct 1-2, Precinct 1-3, Precinct 1-4, and Precinct 1-5.

DISTRICT TWELVE:

Precinct 1-1, Precinct 4-8A, Precinct 4-8C, and Precinct 4-10.

BE IT FURTHER RESOLVED, THAT if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this ordinance are hereby declared severable.

[67] BE IT FURTHER RESOLVED, THAT all resolutions or parts of resolutions in conflict herewith are hereby repealed.

YEAS: David Harvey, Susan H. Barrera, Barbara Blaylock, Henry Burns, Boyce "Dude" Hensley, Marguerite Hudson, Barry Musgrove, Tom Myrick, Michelle Rodgers, and Ruth Sullivan.

NAYS: None.

ABSTAIN: Jerome A. Blunt.

ABSENT: Barbara W. Gray

The resolution was adopted by a vote of 10 yeas, 0 nays, 1 abstain, and 1 absent.

In the discussion before the official vote, Mr. Blunt expressed appreciation for the concerns of the coalition of minority citizens who had participated in the process of redistricting and encouraged the members of the Board to involve and cooperate with the minority coalition in the operation of board and school programs so that they might feel part of the whole community. Later in the discussion, Mr. Blunt stressed the need for cooperation with any coalition, whether black or white, who address the Board through interest or concern for the children of Bossier Parish.

Mr. Myrick stated for the record, "The Board worked on reapportionment for over a year. The redistricting plan was discussed extensively in various groups. There was a lot more involved than the issue of black and white. Other considerations of personal ambition or opinion must give way to public good. It isn't easy to develop a plan to please everyone. The Board has functioned as fairly as possible working through the democratic process of majority rule."

Mr. Hensley stated for the record that members of the Board truly represent everyone in their districts and said that he has done so both as school principal and as a board member.

* * * * *

CHRONOLOGY OF EVENTS

1983	
Nov. 19	Jerome Darby elected to Policy Jury.
1990	
Nov. 13	Police Jury hires Gary Joiner to develop redistricting plan.
Dec. 6	Police Jury Finance Committee appoints Technical Advisory Reapportionment Committee to work with Joiner on redistricting; Jerome Darby not included on the Reapportionment Committee.
Dec. 11	Darby protests exclusion from Committee as a denial of "equal representation"; Policy Jury votes to appoint him and white Juror James Elkins on the Committee.
1991	
Jan. 15	Police Jury passes over Jerome Darby for Presidency of Police Jury.
Jan. 15 to Arpil 9	Joiner meets privately in his office with groups of 2 toor 3 Police Jurors to discuss district configurations in their area. School Board member Thomas Myrick attends some of these meetings; meets with Joiner approximately five times.

April 1 to May 15	Statutory "window" under Louisiana law Police Juries to subdivide election precincts for redistrictingpurposes.
April 9	Public Police Jury redistricting hearing. Joiner presents 3 proposed plans, states that precinct splitting would be allowed through 5/15/91.
April 25	Public Police Jury redistricting hearing. Black residents ask questions regarding black-majority district; are told that black population is too scattered to allow black district. Police Jury votes to pursue Joiner's Plan 9 for final adoption at next meeting.
April 30	Public Police Jury redistricting hearing. Joiner states that precinct changes could be made after 1/1/93 so as to consolidate precincts and reduce administrative election costs. Police Jury adopts Plan 9 as final plan. Concerned Citizens present letter to Police Jury complaining about redistricting process.
May 2	Joiner attends School Board meeting; is hired by School Board; estimates 200-350 hours to complete redistricting. Joiner states that School Board has more than adequate time to draw districts since the next School Board election is not until 1994.
May 14	Jerome Darby discusses Concerned Citizens letter at Police Jury meeting.

May 28	Police Jury submits Police Jury Plan to Department of Justice.
July 29	Department of Justice preclears Police Jury plan.
Sept. 5	First School Board meeting at which redistricting discussed in substance. Joiner distributes precinct maps; states that School Board would have to work with Police Jury to alter precinct lines if it favored a plan which split precincts. Myrick immediately suggests adoption of Police Jury Plan.
1992	
March 25	NAACP representative George Price writes letter to Superintendent Lewis requested that NAACP be included in all phases of redistricting process; letter distributed to School Board members. No action taken on letter.
July 22	*Hays* v. *Louisiana* (*Hays I*) filed in federal district court.
Sometime in August	Jointer meets privately with School Board members, demonstrating redistricting computer and showing alternative redis tricting scenarios. NAACP not notified of meeting.
Aug. 7	District court in *Shaw* v. *Barr* dismisses plaintiff; 14th Amendment gerrymander-

	ing claim as failing to state a cause of action.
Aug. 17	Price writes second letter to Lewis, requesting that NAACP be allowed to come before the School Board to present their views on redistricting, and stating opposition to PJ Plan or any other plan diluting minority voting strength.
Aug. 20	Price presentation at School Board meeting re: various concerns, including appointment of black School Board member to fill an existing vacancy, and participation of all parish citizens in redistricting. No specific action is taken by School Board on these requests.
Between Aug. 25	Price presents NAACP may of 2 illustrative black- majority districts to school and district official, who rejects plan because it does not 8/27/92 contain a full 12 districts.
Aug. 26 - Augu. 27	Preliminary injunction hearing in *Hays* v. *Louisiana (Hays I)* in federal district court.
Aug. 27	District court in *Hays I* denies plaintiffs' motion for preliminary injunction, discusses plaintiffs' constitutional claims, allows briefing on Section 2 vote dilution claims only.
Sept. 3	Price presents full, 12-district NAACP Plan at School Board meeting. Jointer and School Board members summarily dismiss

NAACP Plan because it crosses existing precinct lines.

Sept. 10 — Jerome Blunt Appointed as first black School Board member in Bossier Parish history by a 6-5 vote at a special School Board meeting.

Sept. 17 — Jerome Blunt sworn in as member of School Board. At same School Board meeting, Price again presents NAACP Plan on behalf of the NAACP, Concerned Citizens of Bossier Parish, Men's Club of Bossier, Voter's League, Bossier Housing Tenant Coalition of Concerned Parents of Plain Dealing. School Board unanimously passes a motion of intent to adopt the Police Jury Plan, schedules 9/24/92 public hearing and 10/1/92 meeting for final action.

Sept. 24 — School Board hearing on redistricting held with full- capacity crowd. Price presents petition with over 500 signatures, urges consideration of NAACP Plan as a foundation for the creation of a plan with black-majority districts.

Oct. 1 — At School Board meeting, School Board adopts Police Jury Plan 10-1-1, Jerome Blunt abstaining (on member absent).

Dec. 31 — Date under Louisiana law by which school boards must reapportion.

1993

Jan. 1	Date under Louisiana law after which parishes could reconsolidate their precincts.
Jan. 4	School Board submits plan adopted by Police Jury ("Proposed School Board Plan") to Department of Justice.
Jan. 26	"Community Affairs Committee," formed at request of black community, holds its first meeting to discuss School Board matters.
March 5	Department of Justice asks School Board for more information re: redistricting plan.
March 16	School Board disbands Community Affairs Committee.
June 29	Supreme Court issues opinion in *Shaw* v. *Reno*
Aug. 19 - Aug. 29	Supplemental evidentiary hearing in Hay v. *Louisiana* (*Hays I*)
Aug. 30	Department of Justice objects to School Board's Proposed Plan. Objection letter points out the School Board's option of asking the Police Jury to change precinct lines to allow drawing of black-majority districts.

Aug. 31	Copies of Department of Justice objection letter provided to all School Board members.
Sept. 2	In executive session at School Board meeting, School Board discusses its options in light of Department of Justice objection. No discussion of attempting to draw black-majority districts occurs. In public, School Board unanimously votes to seek reconsideration from Department of Justice.
Sept. 3	School Board seeks reconsideration of objection in letter to Department of Justice.
Sept. 16	Price presentation at School Board meeting on behalf of coalition of black organization asking School Board to reconsider its decision to seek withdrawal of objection. School Board does not respond to Price's suggestion.
Dec. 20	Department of Justice declines to withdraw objection.
Dec. 28	LA district court issues decision in *Hays* v. *Louisiana*

1994

Jan. 11	Police Jury resolves not to redraw its redistricting plan.
July 8	School Board files *Bossier Parish School Board* v. *Reno*.

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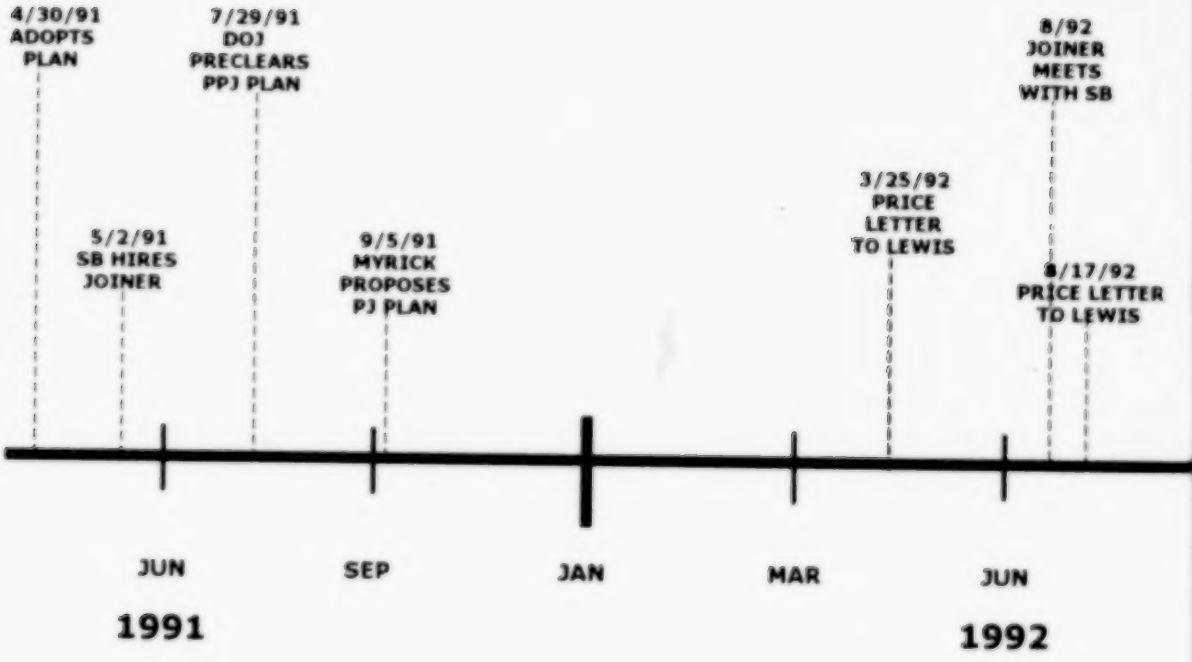
CHRONOLOGY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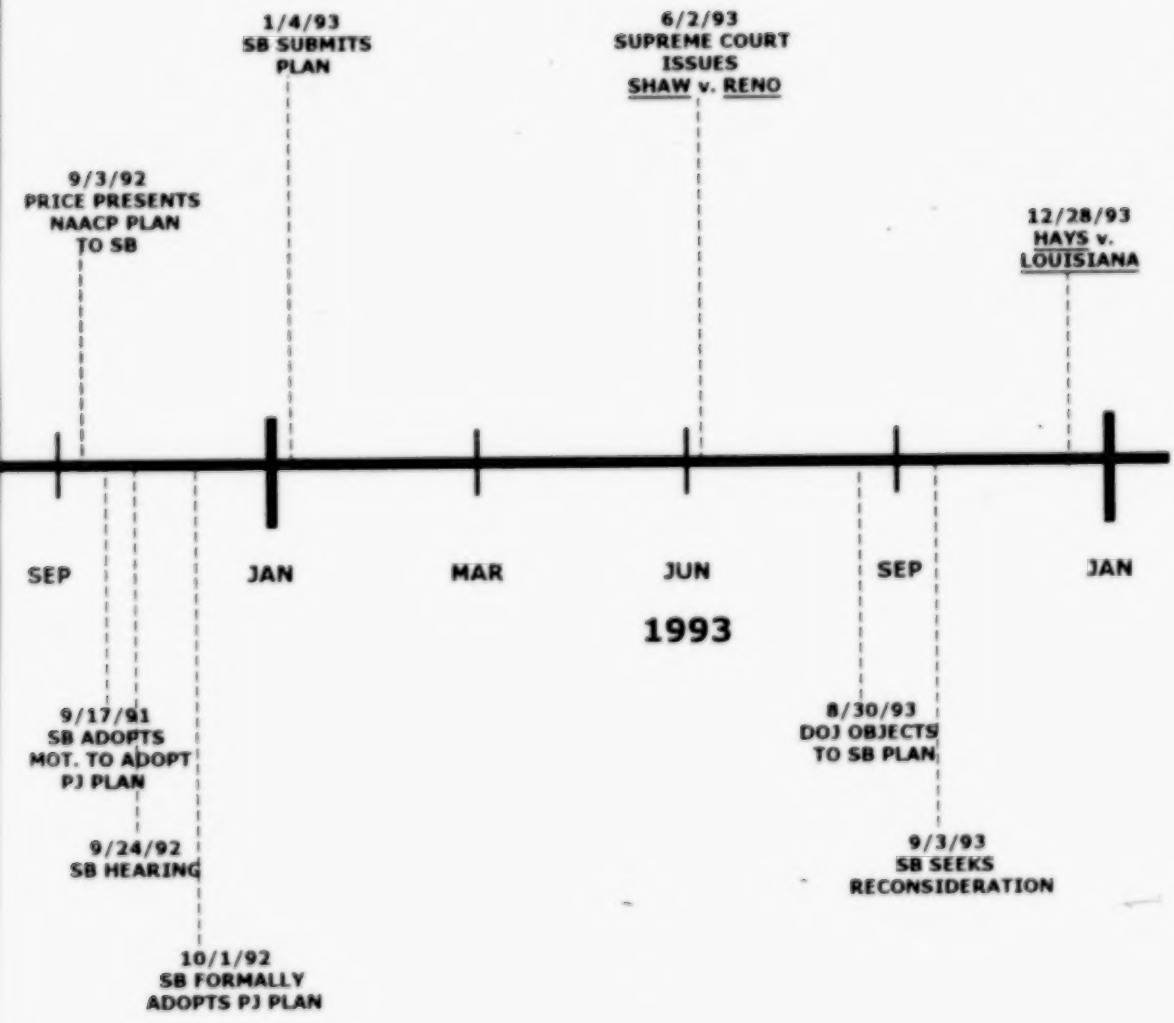
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SB ADOPTS
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PJ PLAN
9/24/92
SB HEARING
10/1/92
SB FORMALLY
ADOPTS PJ PLAN
8/30/93
DOJ OBJECTS
TO SB PLAN
9/3/93
SB SEEKS
RECONSIDERATION

Excerpts from Government Exhibit 86 (Designations of portions of Deposition of School Board Member Susan J. Barerra dated September 30, 1994)

* * * * *

[60]

* * * * *

Q. Why does Bossier Parish still have schools with predominantly black student enrollment?

A. Because those people have not moved into predominantly white neighborhoods.

* * * * *

Excerpts from Government Exhibit 87 (Designations of portions of Deposition of School Board Member Barbara Blaylock dated October 6, 1994)

* * * * *

[97]

* * * * *

Q. Why does Bossier Parish have predominantly black schools?

A. Have predominantly black? Probably because of just the area in which they are.

* * * * *

Excerpts from Government Exhibit 90 (Designations of portions of Deposition of School Board Member Henry Burns dated October 6, 1994)

* * * * *

[119]

* * * * *

Q. Why does the Bossier Parish school district have schools with predominantly black student enrollment?

A. Why do Bossier Parish schools have schools that have predominantly black enrollment? Well, I am only, like, high schools or elementary schools.

Q. Well, for example, Butler Elementary School. Why, in your view, is Butler Elementary School a predominantly—first of all, are you aware that the district has schools that are—

A. Yes, like Plain Dealing and brand [sic] Bossier High. I am pretty well familiar with the percentages at most of the schools, but I think the neighborhood school concept.

* * * * *

[120]

* * * * *

Q. And Butler Elementary School and Bossier Elementary School are also near one another; isn't that true, are physically near one another?

A. Yes.

Q. What about Plain Dealing High School and Plain Dealing Elementary School is that the same?

[121]

A. Yes. They are located in the northern, you know, rural part of the parish.

Q. I take it their predominantly black student enrollment, in your view, is due to the demographic makeup of the area of their attendance boundaries?

A. Yes.

* * * * *

Excerpts from Government Exhibit 93 (Designations of portions of Deposition of School Board Member Barbara Gray dated September 19, 1994)

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[68]

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Q. When you were talking about the two areas where you though it would be possible, if you sat aside concerns about splitting precincts to conceivably draw a black majority district, you [69] mentioned the Plain Dealing area and you also mentioned district G, Ms. Sullivan's district, when you talk about District G, are you talking about District G in the current plan as opposed to the proposed plan?

A. The current plan that we have, that is what I am referring to.

Q. Let me hand you what I have marked as School Board Exhibit Eleven and let me just ask you, is that the old plan from the 1980s, the one that current school board members are sitting under?

A. Yes.

Q. On that document, is that the District G that you are talking about?

A. Yes. Wait a minute, let me see. No. No. District J is the one. And possibly G, but I would say J over G first. I got G and J confused and I am sorry.

Q. Both of those districts are in the Bossier City area?

A. Right.

Q. And District G is the district that contains or is quite near Bossier Elementary and Butler Elementary?

A. Yes.

[70]

Q. Which are both predominantly black elementary school[s], right?

A. Yes.

* * * * *

[71]

* * * * *

Q. And, isn't it a fact that today Butler is a predominantly a black school?

A. It may be. Yes.

Q. And isn't it a fact that when you joined the board—?

A. That is not—that is just because that is where they happen to live.

Q. And I guess that the same would be true for Bossier elementary school, which is even more predominantly black?

A. That happens to be, I guess, where they have their population that feeds the school.

* * * * *

Excerpts from Government Exhibit 94 (Designations of portions of Deposition of former Bossier Parish Administrator James Ramsey dated October 13, 1994)

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[14]

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Q. You also mentioned that the school board operates under different criteria with respect to redistricting from the Police Jury, correct?

A. They have different considerations that they have to look at, yeah. They did. They don't any more, but they did at that time.

Q One example you gave was taxing districts?

A. I would say that was the main.

Q. Could you explain what taxing districts are?

A. The parish was divided into—I don't remember now how many taxing districts. They were for the purpose of financing the school plans in those different areas. It was geographically divided, like Haughton and Plain Dealing and Bossier City was divided into I don't know how many. I wasn't familiar with them. But, anyway, those were districts. When they made the determination, they [15] being the school board, that they wanted to increase plant size or school size, the people of those districts were called upon to vote for

a bond issue, a bond election to finance those. And it don't cost anybody outside that district.

Q. Was the bond election held only within the taxing district?

A. Yes.

Q. What other differences were there between the school board and the Police Jury regarding these criteria? One example is taxing districts.

A. You mean difference between the Police Jury and school board as elected bodies?

Q. Yes.

A. They wasn't anything similar. I mean, they were responsible to the children and the education part of the parish. The Police Jury's responsibility was for road, bridges, primarily, and drainage of their system, plus they were the governing agency or governing body of the parish. They adopted laws and ordinances and things that regulated certain activities. Zone property, we did. You know, they weren't even tied. They were two totally separate entities.

* * * * *

Excerpts from Government Exhibit 95 (Designations of portions of Deposition of School Board Member Juanita Jackson dated September 29, 1994)

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[10]

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Q. Do you know if there are any other incumbents that would be pitted against one another under the proposed school board plan?

A. My understanding is that Mr. David Harvey and [11] Ms. Barbara Gray would be against each other if they both decided to run.

Q. Do you know if they are planning on running?

A. Ms. Gray had said that she is not.

Q. Do you know why she is not running?

A. I believe her comment has been that she has served numerous times, or years, and she wants to spend time with her grand children and family.

Q. Do you know if Mr. Harvey is going to run?

A. I understand that he is, but I have not spoken with him personally.

Q. Are you aware of any other incumbents that are pitted against one another?

A. No.

* * * * *

[36]

* * * * *

Q. Why does the school district still have predominantly black schools?

A. Our attendance lines determine where a person would go to school and if the area surrounding that school is predominantly black, that is where they would go to school.

Q. Where are those areas that are predominantly black?

A. Plain Dealing. And I do not [know] if there are any others that are predominantly black.

Q. Are you aware that Bossier Elementary School is predominantly black attendance?

A. I know that we do have blacks and whites attending there, but I do not know what the racial makeup is.

[37]

Q. Are you aware that Butler elementary school is [37] also predominantly black?

A. Because of the location of those schools, if the area surrounding them is predominantly black, then they would be predominantly black, but I really do not know.

Q. They are in the Bossier City area; is that correct?

A. Yes.

Q. And they are [near] one another?

A. Yes, they are.

* * * * *

Excerpts from Government Exhibit 96 (Designations of portions of Deposition of Bossier Parish Registrar of Voters William Johnston dated October 12, 1994)

* * * * *

[10]

* * * * *

Q. Okay. You change and realign precinct boundaries even separate and apart from reapportionment, correct?

A. We do, yes.

Q. How—about how often do you do that?

A. Oh, three or four years, every three or four years.

* * * * *

Q. When you do the precinct realignments you can take a larger precinct and split it into two—that might be one thing you could do, correct?

A. You could.

Q. Another thing you might do is take two smaller precincts combine them into one, correct?

A. You could.

Q. That's called a precinct consolidation?

[11]

A. Uh-huh. (Affirmative)

Q. And you could actually split a large precinct into more than two if you wanted to, correct?

A. Well, it depends on a lot of—on certain situations.

Q. Okay. Tell me about that.

A. Well, it depends if it's inside the city limits or outside the city limits. In other words, the precinct has to be wholly within or without the city limits. In other words, you can't take a precinct and have part of it in and part of it outside the city limits.

Q. So you couldn't consolidate a precinct outside the city limits with one that's inside the city limits?

A. No.

Q. But you could consolidate two precincts that were inside the city limits together?

A. We could if it was approved by the Justice Department.

Q. And you could consolidate—two precincts that were outside the city limits you could consolidate them together?

A. If it was approved by Justice Department.

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Excerpts from Government Exhibit 97 (Designations of portions of Deposition of School Board Member David L. Harvey dated September 30, 1994)

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Q. And at this point, do you intend to run again?

A. Yes.

Q. Who would be your potential incumbent opponent?

A. Ms. Gray.

Q. Do you know if she intends to run again?

A. I can only tell you what she has said to me, that she does not intend to run for reelection, however, that change, if she disagrees with me about something, she may decide—

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[62]

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Q. Are you aware of what the district's obligations are under the consent decree?

A. No. I am not familiar with it.

Q. Why is it that the Bossier Parish school district has predominantly black schools?

A. Predominantly black schools.

Q. Yes. Schools with predominantly black student enrollment?

A. I would suppose it has to do with the fact that our schools are set up on what I would regard as the neighborhood school concept. Children attend school at a school near their home. I do not know, historically back years ago when busing was a real hot issue in many parts of the country, [63] at that point, I was not involved in school board activities. I do not even remember if I had any children at that time. I do not know if busing was an issue here to get children moved around for purposes of racial balance or anything like that. It is just, ever since I have been a resident of Bossier Parish, we have more or less, and I am using my own term, my [sic] operated on the basis of a neighborhood school concept.

Q. If Butler Elementary School and Bossier Elementary School were both predominantly black schools, it would be largely because they are in black neighborhoods?

A. I would suspect so, yes.

Q. Why is it in your view that Plain Dealing Elementary and Plain Dealing High School are predominantly black?

A. Those schools are located in rural parts of the parish and, I believe would more than likely be populated by predominantly black families. It seems to make sense to me.

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Excerpts from Government Exhibit 98 (Designations of portions of Deposition of School Board Member Boyce Hensley dated September 30, 1994)

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[28]

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Q. Mr. Hensley, I am going to show you what has been marked as Exhibit Number Eight. I do not believe that you have seen this. That has been identified as a letter from Mr. Price, representing the NAACP. Could you describe the substance of that letter, what is Mr. Price requesting in that letter?

A. He is asking that we, as a school board, allow him to take part in the drawing process, I guess, of the new district[s].

Q. What is the date of that letter?

A. March 25th, 1992.

Q. Do you ever recall seeing that letter before?

A. Yes, Ma'am. I had a copy of this in one of my packets when we met as the school board.

Q. Who gave you that packet?

A. Each member of the school board receives a packet each time that we have a board meeting, which is on the first and third Thursday of each month at 7:30.

Q. Which packet was this letter included in, was it included in the March 25th, 1992?

[29]

A. No, It would probably be in April. We probably already met twice when this was there. It was probably in April.

Q. Why do you think that that was when it was probably included in your packet?

A. Because the superintendent always, when he gets something that is addressed to the board, he places it in everybody's packet that they get at the next board meeting.

Q. So, it would be custom, for Mr. Lewis' practices, in informing the school board of letters that he got to include it in a packet that would come to come to [sic] every board member before a regular meeting, that would have been included in some packet sent to you by Mr. Lewis?

A. No, ma'am. It probably would have been in the packet that we receive[d] the first Thursday in April.

Q. So, he would have included it in the packet—

A. At the next meeting.

Q. Right after he received it.

A. That is correct.

Q. It is because of that custom that you think, and tradition that you think you received that letter at that meeting.

A. Yes, Ma'am.

[30]

Q. But you have seen that letter before?

A. Yes, ma'am.

Q. Every board member would have received that letter at the same time you did; is that correct?

A. In the twelve packets that are made, they are all exactly alike and I am sure that when I got one, that they each got one.

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[73]

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Q. Why does the Bossier Parish public school system have predominantly black schools today?

A. Because of the location of the school and the community concept.

Q. So, [Butler] Elementary School and Bossier Elementary School are predominantly black schools

because they are in predominantly black neighborhoods?

A. That is correct.

Q. And, in fact, they are contiguous, their attendance zones are very near one a other, those two schools?

A. Yes, sir.

Q. Similarly Plain Dealing Elementary School and Plain Dealing High School are predominantly black [74] in your view, for what reason?

A. Because the people that live in that area, the neighborhood system there, the percentage is higher with black than it is in the Airline district.

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Excerpts from Government Exhibit 99 (Designations of portions of Deposition of School Board Member Marguerite Hudson dated September 29, 1994)

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Q. Do you know what the percent of—the black percentage student enrollment is in the public schools in Bossier Parish?

A. No, but I could know. It is certainly not anything like with Caddo has. It is around—I [14] don't know. I would rather not guess on the record. I have an idea though.

Q. What is your idea?

A. Well, it is not 20 percent. I don't believe it is 20 percent.

Q. Is it more or less?

A. Less.

Q. Less than 20 percent black students?

A. Yes. But that's—I really don't like to go on the record with being that vague.

Q. What is the minority student enrollment in Caddo Parish? Approximately?

A. It is more than 50 percent. It is about 60/40, I believe. This is common understanding. I am not sure that it is valid figures.

Q. Does that make a difference between the two parishes and the school system?

A. Their ratio as contrasted to our ratio?

Q. Yes.

A. It does.

Q. And what is the difference?

A. You are asking me, "Does it make a difference?"

Q. Yes.

A. And it makes a difference in that some [15] people from Caddo, a good many people have moved to Bossier Parish, in order to get to a school system which has a higher white ratio to blacks. That is one of the reasons that the parish, Bossier Parish is increasing in population, as much as it is. That is just about it.

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[85]

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Q. Why is it that the [sic] Bossier Parish has predominately black schools, in 1994'

A. Well, the black children's parents do not have cars to transport them to white schools.

Q. So the District doesn't provide transportation for a majority/minority plan?

A. We would. We do. We have that written into our policy. And we would. They do not want to go to a majority white, they want to stay right with their own. They know that they can go to a majority white. They want to stay right with their own.

They know that they can go from majority to minority, I mean, from minority to majority, and we would give them transportation. They can get a—

Q. So why are there predominately black schools?

[86]

A. They like to go to school with their community.

Q. So it is a question of residential area[s], that are predominately black?

A. Right. Right. It is fiction that they want to go out there, and be with some people that they are not like.

Q. So,—

A. —you just go into one of these schools, and just ask them.

Q. So, Butler Elementary School, and Bossier Elementary School, are predominately black schools in your view, because they are in predominately Black neighborhood in Bossier City?

A. Certainly. Certainly.

Q. An the new one, that is?

A. Right. I believe our policy says that they would have to, I don't know about the transportation. I would need to look at the written policy.

Q. What about Plain Dealing Elementary, and Plain Dealing High School, those are also predominately Black schools, aren't they?

A. What about it?

Q. They are predominately Black schools.

[87]

A. What do you want me to say about it?

Q. Yes, or no?

Q. Oh, they are. And those people love to live in Plain Dealing. They love to live up there.

Q. Okay.

A. And most of them don't want to get a big job, they would just rather stay out there in the country, and stay on Welfare, and stay in Plain Dealing.

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[96]

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Q. Okay, would you say—are you familiar at all with Bossier City?

A. Oh, indeed.

Q. Okay. Would you say that there are indeed, [97] communities within the city of Bossier City?

A. Well, there are two, basically, Black communities, within the city, wherein, you probably could, if you could get away from this precinct business, you could come up with some kind of district, Black district. Old Bossier, and Northgate, as I call it.

Q. Yes.

A. Northgate is this over here by Barksdale, on the North end of Barksdale, and that is where a person, who—

Q. Excuse me. Could you show me where old Bossier is on that map?

A. Down in here.

Q. Let the record reflect that the witness is pointing to the left central portion of the City of Bossier.

A. And it would make a lot of sense because you have Butler, and Bossier, Bossier Elementary,

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Excerpts from Government Exhibit 100 (Designations of portions of Deposition of School Board Member Michelle Rodgers dated September 30, 1994)

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Q. Where is the black population in Bossier Parish?

A. Well, there is quite a bit around Plain Dealing. There is quite a bit in my district.

Q. Where, specifically, in your district?

A. In the area around Butler Elementary. And Bossier Elementary.

Q. Could you describe that in terms of the city?

A. In terms of the city, Scott Street, Green Street, those areas of Old Bossier.

Q. So, Old Bossier is in your district?

A. Yes. There is another large area of blacks in [15] Ms. Sullivan's district. They refer to that as Jack's quarters.

Q. That is in the city of Bossier?

A. Yes.

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[100]

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Q. Why is it that the Bossier Parish school district has predominantly black schools? Why is it that the Bossier Parish school district has predominantly black schools?

A. I can only think of two in the parish that would be predominantly black.

Q. What are those?

A. Butler Elementary, which is in my district. And probably Plain Dealing would be predominantly black.

Q. Why are those schools predominantly black?

A. I would assume that Plain Dealing, well, first of all, Plain Dealing has a private school, Plain Dealing Academy and a lot of kids in that area go to that private school. There are also a lot of black people who live in that area. Mr. Myrick could better answer that since he is more familiar with the Plain Dealing area.

Butler Elementary is in the opposite section of my district. I do not live very close to there, but there are black neighborhoods [101] surrounding that school.

Q. Why is Bossier Elementary a predominantly black school?

A. Well, it is geographically very close to Butler Elementary.

Q. Why is Plantation Park Elementary School a predominantly black School?

A. There is a housing project down the street from Plantation Park, which I believe is predominantly black.

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Excerpts from Government Exhibit 101 (Designations of portions of Deposition of School Board Member Ruth Sullivan dated September 29, 1994)

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Q. Why do you still have predominantly black schools in the Bossier Parish school district?

A. One is because Butler, when we tried to move, get an equal, move those kids from Butler, the people rose up in arms and said, "We want our neighborhood school," and we did everything that we could to make sure that they had their neighborhood school. And, Butler is one of our predominantly black schools.

Q. Butler is in a black neighborhood, that is why it is a predominantly black school?

A. Yes.

Q. What about Bossier Elementary School?

A. Same difference.

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Excerpts from Government Exhibit 102 (Direct Testimony of former School Board Member Jerome Blunt dated April 10, 1995)

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5. I wanted to serve on the school board for the same reasons that I served on other policy making bodies. I was concerned as a parent about what my children were being taught. I enjoy being on the policy making end of things and felt that with my background as a parent and my work in special education, I could make a significant contribution to the school district.

6. I also felt that it was important to have minority representation on the school board. Blacks in Bossier Parish do not feel a part of the school system. They feel that, because they do not have representation on the board, they do not have a voice in the decision making and that they are unable to bring about change in the school system. Minority groups, such as the NAACP and the Bossier Concerned Citizens Association, have worked [4] together and presented their issues as a coalition in an attempt to bring to the attention of the school board that the concerns of the black community are not isolated incidents, but real concerns of blacks throughout the parish. The black community's feelings that the school board does not take their concerns seriously are justified because the school board has not been responsive to the concerns raised by the coalition. The most recent example of this lack of responsiveness

that I can think of is the board's reluctance to provide the minority coalition with information they had requested relating to the disparities in graduation rates or suspension and expulsion rates between white students and black students. Some of the members of the board are convinced that Mr. Price, president of the local chapter of the NAACP and spokesperson for the minority coalition, is only interested in information like this so that he can use it against the school board. Because of this attitude, they miss the fact that the members of the minority coalition are genuinely interested and concerned about our young people and request information like this so that they can better understand the problems facing our black school children. They wish to work with the school system to develop policies aimed at addressing the needs of black students.

7. I also wanted to be on the school board because I believe that it is important for our young people to see minorities elected to public office or in positions of influence in the community to serve as role models. It is for this reason [5] that I had hoped, as a member of the school board, to be able to improve the school district's policies on the recruitment and hiring of black teachers. I do not believe that it is just lower salaries that keep black teachers from accepting positions in our school system. The board's current policies do not do enough to point out that the Bossier Parish school system has a lot to offer black teachers who are interested in really making a difference in the world.

8. I took the oath of office as a school board member on September 17, 1992, at the end of the board's redistricting process. At the same meeting, the

NAACP presented, for a second time, a map of a redistricting plan for the Bossier Parish School Board that created two black-majority districts. The board did not take the NAACP plan seriously and never gave the plan any serious attention. School board member Boyce Hensley called the plan "ridiculous." School board member Ruth Sullivan, in response to the idea of creating black-majority districts to provide an opportunity for elected black representation on the board, remarked that she could represent blacks as well as a black could.

9. It was my impression, by the time I took office, that the members of the board had already decided informally to adopt the police jury plan, which had no black-majority districts. In fact, at the September 17, 1992 school board meeting, the board passed a motion of intent to adopt the police jury plan and adopted the plan at the next board meeting on October 1, 1992.

[6]

10. In between the September 17 and the October 1 meetings of the school board, I participated in discussions with other school board members regarding the merits of the police jury plan and the NAACP plan. In particular, I recall a discussion at the September 24, 1992, public hearing on the plan about the opposition to the police jury plan presented by Mr. George Price on behalf of the minority coalition. Mr. Price stated that he had consulted with the national chapter of the NAACP and that their lawyers agreed that the police jury plan violated the Voting Rights Act because it did not fairly represent minority voting strength. Price further stated that the board's concerns about the

splitting of precincts in violation of state law was superseded by the necessity to comply with federal law. I thought that Mr. Price's presentation raised some concerns that the board needed to address, but there was no further discussion about adopting a plan that was more fair to blacks. I was surprised that some of the board members like Barry Musgrove and Tom Myrick, who had earlier expressed concern about adopting a redistricting plan that met with the approval of the Justice Department, were so willing to ignore the issues raised by the local and national chapters of the NAACP. In fact, I would say that Tom Myrick was one of the most vocal supporters of the school board adopting the police jury plan.

11. To my knowledge, the school board never asked Mr. Joiner about attempting to come up with a plan of his own that might facilitate black representation on the board.

[7]

12. I abstained from voting on adopting the police jury plan at the October 1, 1992 school board meeting. I felt the police jury plan was not fair to blacks and that by abstaining I would draw more attention to this fact. I made a statement before the final vote on the plan. While I do not recall the exact words I said, the intent of my statement was to make a plea to the board to listen to and to work more closely with the minority coalition in an effort to make the minority community feel more a part of the system. I recall that I also voiced my concern about the lack of minority representation on the school board and that the police jury plan would do nothing to change that. There was no

response from any of the school board members to my statement.

13. I recall that Mr. Price appeared before the school board on a few other occasions after the police jury plan had been adopted to appeal to the board to change their minds. The school board, however, considered reapportionment "a done deal" and were not interested in pursing this matter any further.

14. No single issue that I can recall created more bitter feelings between the black and white communities than the school board's sudden disbandment of the Bi-Racial Committee in early 1993. The Committee was re-established at the request of the minority coalition to respond to their repeated requests that the school board address certain issues, such as the hiring of more black teachers. It is my understanding that a bi-racial committee was required as a part of the lawsuit brought in the [8] 1960s to integrate the school system, but that such a committee had never really been established.

15. The black community saw the establishment of the Bi-Racial Committee as a victory and an opportunity to have real input into the policy making of the school system. The committee met only once that I recall, however, before the board decided to disband it. I was not privy to the discussions by members of the school board to disband the committee. I was later told by school board member Barry Musgrove and Mr. Lewis, the Superintendent of Schools, that the reason the board disbanded the committee was because an influential white person in the community had threatened to sue the school board if they formed a committee to

address concerns of the black community and did not have a similar committee to address the concerns of the white community.

16. On April 3, 1993, I ran unsuccessfully to retain my seat on the school board in a special election. My opponent was Juanita Jackson. I ran a positive campaign based on my credentials and my brief record as a school board member. I actively campaigned and financed the campaign myself, with some financial assistance from a few individuals. I believe that I lost the election because the district I ran in, District K, was predominately white. I had a conversation with school board member Barry Musgrove during my campaign in which he stated that he felt that I would have a tough time getting elected. I took that to mean that he was acknowledging that a lot of the white [9] residents of the district, particularly in South Bossier, would not vote for me because I am black.

17. I was present in the courtroom on April 10, 1995, during the plaintiff's presentation of its case. In response to certain testimony offered by witnesses for the school board, I have the following supplemental testimony. During the time I was a member of the Bossier Parish School Board, I do not recall any member of the Bossier Parish School Board refer to the NAACP plan as a racial gerrymander. I do not recall any discussion to the effect that the NAACP plan split too many precincts and therefore would increase costs to conduct elections.

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Excerpts from Government Exhibit 104 (Direct Testimony of former Bossier City Council Member Jeff Darby dated December 8, 1994)

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8. In 1989, I ran for the Bossier City Council in District 2 and became the first black ever elected to that body. In the primary, I ran against Anthony Provenza, the incumbent and another white challenger, Don Brown. I came in second, behind [4] Brown, thus eliminating the incumbent. Mr. Provenza, although he had served on the city council for 12 years, had fallen out of favor with the residents of his district. There was also a question raised during the campaign regarding whether or not he had moved and no longer resided in the district. I eventually won the run-off election by 36 votes.

9. I campaigned hard in my election to the Bossier City Council, and I had good name recognition in the district. I had grown up in this area and gone to school with many of the residents or with their children. Also, District 2 encompassed a lot of the same area included in Police Jury District 10, where my brother, Jerome, was serving as the Police Juror. District 2 also bordered the Barksdale Air Force Base and many of the residents of the district, in neighborhoods like Pecan Park, were not born and raised in Bossier Parish but rather came here to live because of the base. Unlike a lot of the white natives of Bossier Parish, for

many of these residents, my race was not an obstacle to them looking at my credentials and seeing that I was more qualified to represent them than my opponent. I believe that the fact that they had worked side-by-side with blacks on the base had a lot to do with why my race was not a barrier for them. I believe that it was this unique composition of white residents that allowed me to gain enough white votes to win. I do not believe that I could accomplish this in any other area of Bossier City or Bossier Parish.

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17. I ran for reelection under the new plan in October, 1993, against a white challenger, James Sawyer. Despite the fact that I campaigned as hard as I had in the past, I lost the election by 58 votes. I believe I lost the election because I lost my base of support in the redistricting. I also had in my new district a white area of "Old Bossier" that is the least integrated in the city. The voters from that area would not be likely to vote for a black candidate.

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Excerpts from Government Exhibit 105 (Direct Testimony of Bossier Parish Police Juror Jerome Darby dated April 4, 1995)

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19. I am in my third term as Police Juror. In my first election in 1983, I ran against the black incumbent in district 10 and a white challenger in the primary. The incumbent lost, and I ran against the white candidate in the run-off. One of the reasons the incumbent (who had been in office for only one term) lost was because there was some concern raised that he did [12] not even live in the district. The white challenger didn't campaign at all, assuming that he would just win because it was a white majority district. I campaigned hard and won by a narrow margin. Counsel for the United States informs me that it has been stipulated to by the parties that my district was 37.9 percent black at the time of this election.

20. Another major reason for my election is the unique nature of my district at that time. My district includes the area in and around Barksdale Air Force Base. There are a lot of military personnel there who do not vote, so that the percentage of voters who are black is actually higher in my district than one would think based on the black total population percentage. Also, many of the whites who do vote in the district are military retirees who are from outside the parish, from all parts of the country, and who are more likely to be

open-minded about voting for a black candidate than local white residents in the rest of the districts. A number of the military persons' children went to school with me in the area, and knew of me and my brother Jeff. Without the military base in my district, I would not have been able to win. Accordingly, I do not think I could win in a parishwide race, or in a white majority district elsewhere in the parish, because of voting along racial lines.

21. In my election in 1987, I ran as an incumbent against the same two individuals and won in the primary. In the 1991 election, I ran under the 1991 Police Jury plan, but was unopposed.

[13] 22. I was on the Police Jury in 1991 when the Jury redistricted. I attended most of the meetings at which redistricting was discussed. I was angered at the beginning of the redistricting process. I was assured that they would make a special effort to include minority input, but at first I was excluded from the Reapportionment Committee, and was only included after I publicly complained of being shut out of the process. I was the only Police Juror to have attended the reapportionment seminar that had previously been held in Monroe, Louisiana—the same seminar that Gary Joiner had attended—so my initial exclusion from the Committee was particularly surprising.

23. Even after they put me on the Committee, I really didn't have much to do with how the lines got drawn. Other parish officials were more directly involved. These included Parish Administrator James Ramsey, and Jurors Pete Glorioso, Mark Montgomery, Bob Burford, Tommy Scarborough, Mark Montgomery,

and Wayne Hammack. Glorioso in particular is a major player. He is directly involved in all important issues. He has for years been Bossier City's Director of Public Works, which gives him great political contacts and political clout. The Jury hired Gary Joiner as a consultant to draw the plan. I met with Joiner in his office. He told me that most of the other Jurors had already met with him. By the time I met with him, he had already drawn up the plan. He showed me what my district would look like under his plan. He told me that this was the best possible district he could draw for me. He told me that Tommy Scarborough's district [14] and Pete Glorioso's district could elect blacks ten years from now, so there was a potential for having three blacks on the Police Jury in the future. He also told me that it was impossible to draw a black-majority district because the black population was too scattered, and that any plan he drew would be rejected by the Department of Justice. I don't remember ever hearing any discussion that drawing black districts would create too many precincts.

24. I voted for the 1991 Police Jury plan because I was led to believe by Mr. Joiner and the other Police Jurors that it was impossible to create a black-majority district that would be precleared by the Department of Justice. That was my understanding at the time of the 1990-1991 redistricting process, and also while the Department of Justice was reviewing the Police Jury plan. After this lawsuit started, during the summer of 1994, I was shown maps of the alternative redistricting plans called the "NAACP Plan" and the "Cooper plan." From these maps I realize that it *is* possible to draw two reasonably compact black-majority districts. Once I was shown that, I changed my mind. I now believe

that I was deliberately misled in this regard during the 1990-1991 redistricting process. If I had known then what I know now, I would have voted against the Police Jury plan. Based on my knowledge of the Police Jury, the racial politics of Bossier Parish, my involvement in the redistricting process at the time, and the way in which I was misled, I believe the Police Jury adopted the plan it did because it wanted to avoid drawing [15] any districts with a black majority. Drawing a black majority district was never considered at all, and the Jurors never had the slightest intention of trying to do anything to do right by blacks. All the Police Jurors cared about was protecting their own districts—incumbency drove everything.

25. The School Board members generally took an interest in the Police Jury's redistricting, because the School Board might end up with the same or a similar plan. In fact, in 1990 the School Board approached the Police Jury about doing a joint redistricting, but the Police Jury said no. I remember James Ramsey, then the Parish Administrator, telling the Jury that he and School Superintendent Lewis had been in contact on this idea. The Police Jurors who really made the decisions, like Pete Glorioso and Bob Burford, had contact with the School Board. Glorioso has been around so long, has so much clout and connections, that the School Board would naturally consult with him, directly or through mutual acquaintances, as part of the normal give-and-take of the Bossier Parish politics. Burford has extensive connections to the School Board. He has been an employee of the School Board for about 30 years as a teacher, and more recently as a professor for a college run by the School Board. He has gone to the School Board on a number of occasions to represent

the Police Jury. Burford is also close friends with School Board members. His close friend, David Harvey, who for years has lived 5 houses away from Burford, was President of the School Board around this time. Based on my knowledge and [16] experience in Bossier Parish politics, I would say that Bossier Parish School Board members would have been aware of the Police Jury's redistricting process, the decision it finally reached, and the reasons for that decision.

26. I was misled in one other way as well. I have discovered that the district I'm in under the 1991 Police Jury plan is not as good for me as I was told. I do not believe that I can win in my current district. When they drew the new plan, they put in more whites from a conservative area. I was told by Joiner at the time that these were people I could do well with as far as getting their support. I now think they probably will not support me. The 1991 [sic] election for Bossier City Council suggests this, because the voters in that area did not vote for my brother, who lost his reelection effort. They also put in a black area in my district, and I was told by Joiner that this was helpful to me as well, but I have since discovered that this is a poor area and the black residents there are largely unregistered. At the time, Joiner told me that he had to make the particular changes he made or it would not pass Justice, because my district had declined in black population since the last redistricting. Even though the changes to my district may have involved moving some blacks in, it still hurts me, not helps me, because the blacks they moved in vote at lower rates than the whites they have moved in.

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Excerpts from Government Exhibit 106
(Direct Testimony of S.P. Davis)

[submitted on Mar. 1, 1995]

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1. I reside at 2129 North Cross Drive, Shreveport, Louisiana 71107. I have lived at this address for four years. I am an attorney and have practiced law for 20 years. I am currently the sole owner of the Davis Law Office, 4050 Linwood Avenue, Shreveport, Louisiana. I graduated from Southern University Law School in Baton Rouge, Louisiana. I also hold the rank of Lt. Colonel in the Army Reserves. I am the Battalion Commander of an Infantry Battalion stationed in Bossier City, Louisiana. I am married and have three children. My wife is an elementary teacher at the T.L. Rhodes Elementary School in the Bossier Parish School District. My oldest son is 24 years old and attended schools in the Bossier Parish School System for 12 [2] years. My daughter is 14 years old and attended Princeton Middle School in the Bossier Parish School System. She currently attends Bird High School in Caddo Parish. My youngest son is in the 5th grade at Platt Elementary School in the Bossier Parish School System.

2. I was raised in Bolinger, Louisiana, a small community located north of Plain Dealing in Bossier Parish, Louisiana. I attended the segregated school system in Bossier Parish. I graduated from the all-black Carrie Martin High School, which is now an elementary school. I still have family in Bossier Parish.

3. I am the attorney of record for the plaintiff-intervenors, the Bossier Citizenship Education Program, Inc. ("BCEP") in *Lemon* v. *Bossier Parish School Board*, C.A. No. 10,687 (W.D. La.) and have represented the BCEP since they sought intervenor status on February 12, 1976, which was granted on March 2, 1976.[1] The *Lemon* case was originally commenced on December 2, 1964, when black plaintiffs brought suit under 42 U.S.C. 1983 to desegregate the public schools of Bossier Parish. The school board was subsequently found liable for intentionally segregating the public schools in Bossier Parish in violation of the Fourteenth Amendment to the United States Constitution. *Lemon* v. *Bossier Parish School Board*, 240 F. Supp. 709 (W.D. La. 1965). From 1965-70, the parties were engaged in protracted litigation in which the Bossier Parish School Board strongly [3] resisted the desegregation of its schools, advancing one inadequate remedial plan after another, including three plans that were rejected by the Fifth Circuit Court of Appeals. On January 20, 1970, the current desegregation plan was approved by the *Lemon* court. The school district has never been declared unitary and that decree, with some modifications over the years, remains in effect today.

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[11]

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[1] The United States was granted intervenor status as a plaintiff on April 3, 1965.

22. The low number of black administrators, principals, and teachers in the school district and the fact that the school board has systematically shut out the black community from the policy and decision making aspects of the school system have adversely affected the black students in the Bossier Parish schools. These factors combine to create an atmosphere of racial hostility in the schools and result in black students having higher drop-outs rates because they do not receive the same encouragement to excel as the white students. This is particularly true in the schools with student populations that are more than 80 percent white with corresponding faculties that are more than 80 percent white. Black students have higher suspension and expulsion rates than the white students in these schools. Black students are also less involved in extracurricular activities, such as cheerleading and dancelines, where the selection for these activities is done by the white [12] teachers. Years of having predominantly, if not exclusively, white squads in these activities has lowered the spirit and self-esteem of the black students, who no longer feel it is even worth-competing because they will not be selected based solely on their race. A recent example at Haughton High School demonstrates that the school board's faculty hiring practices and attitude toward black students have perpetuated an atmosphere of racial hostility in the schools and in the community. In January, 1993, black students at Haughton High School protested the election by the student body of an all-white Winter Court, an event that takes place during basketball season. After the students' protest, the school administration took steps to include black students on the court. This effort fueled the long-standing racial tensions in the school and community.

Threats of violence resulted in the school administration cancelling the Winter Court events.

* * * * *

[16]

[additional material below submitted in supplemental testimony on Apr. 9, 1995]

* * * * *

30. As I said earlier, I was raised in the Plain Dealing area of Bossier Parish and remain in touch with this area through familial and professional ties. It is my understanding from counsel for the United States that the school board has asserted in the instant case that a community of interest does not exist among the black people who would reside in an election district that would include the areas of Plain Dealing, Benton and Princeton. I disagree with that assertion. While the black communities in these areas reside in different towns, they are united in their quest for an end to racial discrimination in Bossier Parish. That unity is clearly demonstrated in their continued struggle against the school board to eliminate, to the extent practicable, the vestiges of racial segregation. The opportunity to elect members to the school board who would [17] represent their views would certainly enhance the possibility that one day the children in the Bossier Parish Schools will be able to exercise their constitutional right to attend a system of schools that is unitary.

31. I personally know only one of the Bossier Parish School Board members, Mr. Henry Burns. I know Mr. Burns because we serve together in the Army

Reserves. I have spoken with Mr. Burns on several occasions regarding school board matters that concern black students and the black community. Mr. Burns told me that while he personally favors having black representation on the board, other school board members oppose that idea. Nevertheless, to my knowledge, Mr. Burns has never taken a public stand on this issue. Mr. Burns and I have also discussed other issues such as black teacher recruitment and hiring, and the lack of opportunity for black students to participate in extracurricular activities sponsored by the school district.

* * * * *

Excerpts from Government Exhibit 108 (Direct Testimony of former Bossier Parish Police Juror Johnny Gipson dated December 8, 1994)

[1]

* * * * *

2. I have always had an interest in civic affairs and have been involved in the local politics of Bossier Parish since at least 1979. One of the reasons for my involvement in local politics is that I believe that the all-white governing bodies of [2] Bossier Parish have long neglected the needs and concerns of the black community in such areas as employment and education. I have been a member of the Bossier Parish chapter of the NAACP for three or four years.

3. I first ran for political office in early 1979 when I ran for the city council of Bossier City from District 2. I lost that election by 15 votes to Anthony Provenza, a white candidate. I have been told by counsel for the Department of Justice that, according to the Department's records, the district was 34 percent black in total population as of the 1980 Census. I believe that I lost that election because blacks did not constitute a majority of the district.

4. Later in 1979, I ran for the Bossier Parish Police Jury from District 10 against Thomas McDaniel, the white incumbent. I won that election by 86 votes. I was the first black ever elected to the police jury. I felt I had a chance of winning in this district, despite the fact that blacks did not constitute a majority of the population, in part because the Barksdale Air Force

Base and the residential area around it was located in the district. Most of the residents of the base did not vote in Bossier Parish elections, thus increasing the black percentage of the voters in the district. I also knew that I would need to garner some white votes, and I enlisted the aid of a few of my white friends, particularly David Broussard, who was active in the Jaycees. Mr. Broussard was not a native of Bossier Parish, having moved to Bossier Parish from Texas. Mr. Broussard [3] actively campaigned for me on a theme that it was time for black representation in Bossier Parish and was influential in my ability to garner some white votes, particularly among the retired military population or civilians employed at the base who lived in the district. These people who were not originally from Bossier Parish and had experience working with blacks as peers on the base. I felt that, unlike the lifetime white residents of Bossier Parish, these people were more likely to look beyond race and at the fact that I was more educated and capable of representing them than my white opponent, Thomas McDaniel. I do not believe that I would have won this election if not for these special circumstances because it is well known that white lifetime residents of Bossier Parish in general would not then and will not now vote for black candidates, based purely on the color of their skin.

* * * * *

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

Civil Action No. 94-01495
(LHS (USCA), CRR, GK)

BOSSIER PARISH SCHOOL BOARD, *PLAINTIFF*,

v.

JANET RENO, *PLAINTIFF*,

v.

GEORGE PRICE, ET AL., *DEFENDANT-INTERVENORS*

DECLARATION OF DR. GEORGE CASTILLE

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I. INTRODUCTION

A. Qualifications and Experience

1. My name is George J. Castille, III, and I make this declaration pursuant to 28 U.S.C. 1746.

2. I received my Ph.D. in Geography at Louisiana State University in 1993. I teach Louisiana Geography at LSU and work full time as an independent consultant. Other teaching experience includes a course entitled "Old New Orleans and the Cajun Country" which was offered for continuing education credit for teachers, and I have also taught several introductory Geography and Anthropology courses. Over the past 10 years I have worked on about 12 to 15 projects involving disputes over boundaries or property ownership in south Louisiana. I gave expert witness depositions in two boundary dispute lawsuits, *Summersgill Dardar, et al. vs. Lafourche Realty Co. Inc.*, (E.D. La.) and *Hankamer et al. vs. Angelina Hardwood Lumber Co, et al.* (14th Judicial District Court, Calcasieu Parish). The expert witness testimony included interpretation of General Land Office Records, historic maps, and historical documents related to local and regional commerce. My Ph.D. research involved the analysis of Louisiana Supreme Court decisions related to the ownership of waterbottoms. This analysis explored the implications for changes in boundaries along the land/water interface as waterbodies are modified by natural means (see attached vita).

3. More recently, I co authored an expert witness report for *Ray Hays et al., vs. State of Louisiana, et al.*

(W.D. La.), a case challenging the congressional districting plan for Louisiana on the grounds discussed in the Supreme Court decision in *Shaw* v. *Reno*. For the *Hays* case I conducted a geographical analysis of twentieth century congressional districts in Louisiana. I compared the State's plan to prior Louisiana congressional plans and alternative plans proffered by the plaintiffs.

4. I have been retained by the United States to evaluate and compare the district boundaries of various Bossier Parish redistricting plans as to the extent the district boundaries follow such commonly used features as roads, streams, railroads, and corporate limits, and to analyze these plans from the perspective of such traditional redistricting principles as compactness and unifying communities of interest. I am being paid at the rate of $50.00 per hour.

B. Methodology and Data Collection

5. I have used available maps of Bossier Parish to compare the proposed 1992 School Board Plan, the NAACP Alternative Plan, and a second alternative plan developed by William S. Cooper, the redistricting expert employed by the defendant-intervenors in this case. Maps that were used to aid in the interpretation included Census maps, maps of prior redistricting plans in Bossier Parish, historical maps on file in the archives at the LSU Shreveport library, USGS topographic maps (scales 1:100,000, 1:62,500, and 1:24,000), maps produced by the computer-run geographic information systems (GIS maps) of both the United States and William S. Cooper, and road maps published by the

Louisiana Department of Transportation and Development.

6. I also conducted a field investigation to examine the layout of the parish in detail and to determine the physical character of the boundary lines involved. During this field investigation, all major communities were visited and various roads were traversed from the Arkansas state line down to the southern end of the parish at the mouth of Loggy Bayou. During this trip, observations were made as to the physical terrain, natural vegetation, obvious economic activities, settlement patterns, and concentrations of population. Such a field investigation is not necessary for a comparison of redistricting plans, which primarily involves the analysis of maps. In this case, however, the field investigation gave me a better picture of the specific sites on the maps which I analyzed, as well as a ground-level overview of the parish.

II. BACKGROUND AND HISTORICAL SETTING

7. A map of Bossier Parish is provided in Figure 1. Historically, the parish has changed from being primarily agricultural in character to being driven by commerce and industry. This change has driven population and migration trends, particularly with respect to blacks. In the decades after the Civil War, some black residents left the floodplain plantations for the far less agriculturally rich hill country and terraces. Those who remained on the floodplain plantation worked as sharecroppers, and the sharecropper system survived until the middle of the twentieth century. By the 1960s, most blacks had abandoned the floodplain plantations and had become concentrated in urban areas and the hill region. The limited economic

potential of tenant farming and sharecropping was one reason why many blacks moved to the parish's cities and why others left the parish for the Northern states. This migration to the north and to urban areas began immediately after the Civil War and peaked during the 1930s and 1940s, accelerated by the Great Depression. (U.S. Census various years, Aiken 1978, Prunty 1955, Lewis 1987). The black out-migration from Bossier Parish continued through at least 1970, substantially reducing the black percentage within the parish. Specifically, the parishwide black percentage dropped from roughly 70% in 1890 to the roughly 20% level seen in 1990.

8. With the recent urban growth associated with the Shreveport-Bossier City metropolitan area, Bossier Parish is becoming increasingly urban in character. The present trend appears to be a continuation of the movement of African Americans from both the floodplain and hill regions to urban areas within Bossier Parish. Bossier City contains the largest concentration of African Americans; over half of the parish's black population lives in Bossier City. The black population within Bossier City is largely concentrated in only a few sections of the city, and the numbers are small compared to the city's white population. The black percentages are higher in the towns of Plain Dealing and Benton. Outside of urban areas, the greatest concentration of African American population in Bossier Parish now is still found in those hill and terrace regions, where soils provide the least agricultural (and therefore economic) potential.

III. COMPARING THE PROPOSED PLAN AND TWO ALTERNATIVES

A. Overview

9. The 1992 School Board Plan uses roads, streams, railroads, and corporate limits as boundary features. The plan relies heavily on roads and corporate limits, which in some cases causes splits of communities of interest–including, in several cases, black communities. The NAACP Plan avoids this fragmentation of communities by relying less on roads and corporate limits as boundaries, and more on streams. Overall, however, in terms of the use of logical, traditional boundary markers, the NAACP Plan is not significantly different from the 1992 School Board Plan. Many of the curves in the rural, northern-parish minority district in the NAACP Plan are due to the use of natural boundaries such as streams. The Cooper Plan is similar to the NAACP Plan, except that the northern-parish minority district is more compact. Both plans demonstrate that two reasonably compact black-majority districts can be drawn in Bossier Parish for the Bossier Parish School Board. From the standpoint of adherence to traditional redistricting principles, the two alternative plans are no worse, and in some respects better, than the proposed plan.

B. Defining Boundaries

10. Boundaries associated with early settlement often correlated with physical features such as streams, lakes and ridges. However, the trend in post-colonial United States has been that of assigning boundaries based on artificial or man-made phenomena such as

orientations of the compass, straight lines drawn between two landmarks, or roads.

11. As with other parishes, Bossier Parish has been subdivided into election districts that correspond to voting areas for Police Jury members, School Board members, or for other elected offices. Generally the district boundaries follow four common features: streams, roads, railroads and corporate limits. In cases where no physical or man-made feature exists, boundaries sometimes follow arbitrary lines that are related to property boundaries.

12. While common, the use of corporate limit lines as district boundaries can be problematic. Corporate lines are frequently drawn in an arbitrary manner. The arbitrariness can stem from an extension of corporate limits well beyond the area of present occupation in an effort to provide room for urban growth. Corporate lines are also a problem when they are not revised, or are revised only infrequently, to accommodate urban growth outside the corporate limits. Either boundary phenomenon can result in the splitting of communities of interest.

C. The proposed 1992 Bossier Parish School Board Plan

13. As with previous districting plans, the 1992 Bossier Parish School Board Plan (Figures 2-A, 2-B) follows common boundary delimitation practices. District outlines follow typical boundary markers for parish subdivisions. As noted above, the more common district delimiters are roads, streams, railroads, and corporate limit lines. Several more unusual district

boundaries include the limits of Barksdale Air Force Base and a division line that runs through the middle of the Air Force base.

14. A few other boundary anomalies were also observed. One example is the unusually shaped boundary along Highway 71 in south Bossier City (Figure 3, blue shading), where a long finger of land from District 12 extends into District 1, ending in a triangular head (Figure 3, Location A). This projection follows an odd-shaped corporate boundary for Bossier City (Figure 3, yellow shading). The Highway 71 anomaly may reflect both an attempt to exclude a stockyard (Figure 3, Location C) from the corporate limits while expanding the limits to include a new subdivision and trailer park (Figure 3, Location B).

15. In another instance, the Benton corporate limits serve as a district boundary, but this particular boundary fragments neighborhoods with economic and racial commonalities. The community of Benton has expanded outside the corporate limits in several areas, and until the corporate limits are revised to include those areas of expansion, the corporate limits will continue to fragment those black neighborhoods that straddle the corporate line. By following the corporate limits, the School Board Plan's district boundary reinforces the fragmentation of some black neighborhoods, splitting them between Districts 3 and 4. One cluster of black families lives along Shaffers Road along the east side of Benton (Figure 4, Location A), and the large black subdivision of East Benton lies along Highway 162 just north of the Benton Community Club Cemetery (Figure 4, Location B). Another group of black residents is located immediately north of Benton

corporate limits at the end of Second Street (Figure 4, Location C). The case of Benton illustrates how strict adherence to the legal corporate limits can exclude neighborhoods from the voting area of the social and cultural community as a whole–in this case, the black community. The NAACP and Cooper Plans avoid this fragmentation.[1]

16. As in Benton, the district boundary lines within Bossier City have effectively divided well-established neighborhoods that are predominantly black. For example, the area bounded by Shaver, Beckett, Fuller and McArthur Streets (Figure 6, green shading) is included within District 8 when it easily could have been placed within District 7, located immediately to the west. Culturally, this black neighborhood is more likely tied to the black residential area immediately to

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[1] While not directly related to the boundaries in the 1992 School Board Plan, the corporate limits of Plain Dealing, as they existed during the 1970s and 1980s, provide another recent example of a Bossier Parish community in which relatively large, predominantly black subdivisions lie immediately outside of the official limits of a community. In the case of Plain Dealing, the corporate limits were extended 1/2 mile to the southwest along a rural highway to incorporate a single white residence (Figure 5, Location A). (That extension was deannexed in recent years, at the request of the sole white resident included.) If the corporate limits were extended *less* than 1/2 mile to the west, then the official community could incorporate DeMoss Hill subdivision, a predominantly black neighborhood of over 50 homes and two churches (Figure 5, Location B). Another even larger black subdivision, known as Carstarphen Heights, is located immediately south of the corporate limit (Figure 5, Location C). Of course, none of the redistricting plans which I examined have boundaries which follow the Plain Dealing corporate limits; Figure 5 merely illustrates another example of "underbounding" within Bossier Parish.

the west (Figure 6, Location D) than to the heavy commercial strip (Figure 6, pink shading) located along the four-lane Highway 3 (Benton Road) immediately to the east. By setting the boundary along the railroad, the School Board Plan has cut off this neighborhood from the larger community, thus separating approximately 35 houses. Under the School Board's Plan, then, a railroad serves as the arbitrary boundary between two districts, splitting a black community. A nearby road could just as easily have been selected as the boundary, and the larger neighborhood could have remained intact. This is a clear example where a black neighborhood is fragmented by district boundaries. This fragmentation is avoided in the NAACP and Cooper Plans.

C. The NAACP Alternative Plan

17. The NAACP Plan was generated from the 1990 Census database (1992 TIGER/Line Files) using a redistricting computer. The minimum unit of measure was the Census block. Census block boundaries, as designed by the Census Bureau, correspond to visible natural or man-made features.

18. The NAACP plan demonstrates that two reasonably compact districts could be drawn which encompass the significant black population concentrations that exist in Bossier Parish, one is Bossier City (Figure 7-B) and one in the northern central, more rural region of the parish (Figure 7-A). This results in two majority-black districts. District 2 begins in the extreme northwestern corner of the parish and follows the Red River south, extending to the community of Princeton in the north-central part of the parish (Figure 7-A). District 1

is "C"-shaped and is located entirely within the heavily urbanized portion of Bossier city (Figure 7-B).

19. The NAACP alternative plan creates district boundaries that are significantly different from the boundaries of the proposed 1992 School Board Plan. Nevertheless, the alternative boundaries generally follow the same types of natural and man-made features as in the School Board Plan. The boundaries of the NAACP alternative correspond primarily to existing roads and streams, and utilize streams to a greater extent that the School Board Plan. The alternative plan also utilizes railroads, existing district lines, the limits of Barksdale Air Force Base, corporate limits of various communities, an electrical high power line, several rural unimproved roads, and parish ward boundaries. All of these types of boundaries of course reflect visible local features that outline the census blocks. Overall, in the use of logical features such as roads, streams, etc., as boundary markers, the NAACP Alternative Plan is not significantly different from the proposed plan.

20. Stream boundary correlations were noted in at least 14 locations as opposed to 6 in the School Board Plan. While some of the districts in the alternative plan are more elongated than districts of the proposed School Board Plan, this is due to the greater use of streams as boundaries. The more extensive utilization of streams as boundaries is a positive factor. As discussed above, the use of roads in the School Board Plan has in some cases resulted in the fragmenting of communities of interest. This is not the case with the use of streams as boundaries in the alternative plan. Roads in Bossier Parish are used for transportation

today far more than streams, and thus tend to attract settlements along both sides of the road. Conversely, communities of interest straddle streams in Bossier Parish to a much lesser extent, and using streams as boundaries is less problematic.

21. The "fingers" or small projections along the east side of District 2 immediately southeast of Plain Dealing are simply reflections of Census block boundaries that follow stream courses (Figure 7-A, Location A). Irregular-shaped Census blocks, and therefore irregular-shaped district boundaries, are much more likely to occur in rural parishes with hilly terrain such as Bossier Parish than in relatively flat areas such as in the southwestern part of Louisiana.

22. Slightly irregular-shaped boundaries also occur in District 2 immediately north of Plain Dealing (Figure 7-A, Location B), within the Bodcau Wildlife Management Area in the east central part of the parish (Location C), and in the areas immediately north and east of the Black Bayou Reservoir (Locations D and E). These irregular shapes represent boundaries that follow local stream patterns and rural roads.

23. The NAACP alternative plan also differs from the School Board Plan in that, unlike the School Board Plan, district lines divide the corporate limits of Benton, Haughton and Plain Dealing. However, the strict adherence to corporate lines can exclude some subdivisions that are immediately outside the corporate limits but should be considered as part of the suburban core of these communities. As noted previously, examples of excluded suburban development were found through a field and map investigation of the

community of Benton (Figure 4). The NAACP and Cooper Plans avoid this division of areas with a community of interest.

24. Another way in which the alternative plan differs from the proposed plan is in the use of unimproved roads and a powerline as boundaries. While not evident on some parish maps, such features are easily recognizable on USGS topographic quadrangle maps and are of course readily identifiable to people living in the vicinity.

25. The NAACP plan demonstrates that Census blocks can be grouped in such a way that predominantly black districts are created. To create such districts it may be necessary to disregard some of the established official boundaries, such as corporate limits, particularly if those boundaries do not reflect cultural changes that are visible geographically. In the use of logical features such as roads, streams, etc., as boundary markers, the NAACP's Alternative is not significantly different from the proposed plan. It contrasts with the School Board Plan in that it emphasizes the cultural or social element (ie. where people actually live) rather than the strict adherence to arbitrary boundaries that in many ways are not reflective of the cultural conditions that exist today. It is important to realize that boundaries are not only a means of defining an area; boundaries are also a means of exclusion from an area.

D. The Cooper Alternative District 8

26. The final district plan examined in this study is one prepared by William Cooper (Figure 8). The Cooper plan creates a northern parish district that is at

least 55 percent black in voting age population. The general shape and location of District 8 of the Cooper plan is similar to District 2 of the NAACP alternative, but District 8 in the Cooper plan is a little shorter and more compact. With the exception of seven boundary segments, the delimitation of District 8 matches boundary features discussed in either the School Board Plan or the NAACP plan. These seven new boundary segments include roads, streams, and an unimproved road. All of these of course, follow boundaries of Census blocks. As compared to the two previous plans, the types of features making up the Cooper plan boundaries are more similar to those found in the School Board Plan because it emphasizes roads to a much greater extent than streams.

27. The Cooper district is similar to the NAACP plan's District 2 in that both divide the corporate limits of the communities of Plain Dealing and Benton. But as noted in the School Board Plan discussion, in communities where an exclusionary settlement pattern occurs, the official corporate limits are not a fair representation of the community as a whole, and the exclusionary nature of this type of boundary invalidates the logic of strict adherence to corporate limit lines as a means of delimiting districts. Again, a boundary is created to serve the culture that creates it, not the other way around.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/ GEORGE J. CASTILLE, III
GEORGE J. CASTILLE, III
April 4, 1995

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GEORGE PRICE, ET AL., *DEFENDANT-INTERVENTORS*

DECLARATION OF DR. RICHARD L. ENGSTROM

Pursuant to 28 U.S.C. Section 1746, I, Richard L. Engstrom, make the following declaration.

1. I am currently research Professor of Political Science at the University of New Orleans, in New Orleans, Louisiana, and Chairperson of the Representation and Electoral Systems Division of the American Political Science Association. A copy of my current curriculum vitae is attached to this declaration as Appendix A.

2. I have done extensive research into the relationship between election systems and the ability of minority voters to participate fully in the political

process and to elect candidates of their choice. The results of my research have been published in the *American Political Science Review, Journal of Politics, Western Political Quarterly, Legislative Studies Quarterly, Social Science Quarterly, Journal of Law and Politics, Electoral Studies*, and other journals and books. Three articles authored or co-authored by me were cited with approval in *Thornburg* v. *Gingles*, 478 U.S. 30, 53 n.20, 55, 71 (1986), the Supreme Court decision interpreting amended section 2 of the Voting Rights Act. I have also testified as an expert witness in over 30 voting rights cases in federal courts across the United States.

3. I have been requested by attorneys for the Department of Justice to examine the extent to which voting in recent elections involving a choice between or among African American and white candidates in Bossier Parish has been "racially polarized," as that concept has been defined by the United States Supreme Court in *Thornburg* v. *Gingles*. According to the Supreme Court, voting is racially polarized when there is "a consistent relationship between (the) race of the voter and the way in which the voter votes" or expressed more simply, when "black voters and white voters vote differently" (at 53 n.21). I am being compensated at a rate of $800 per day for my work on this case.

4. Elections involving an interracial choice of candidates have been analyzed because such elections are considered to be the most probative of racially polarized voting. Elections presenting voters with a choice between or among African American and white candidates were the only elections referenced by the

Supreme Court in *Thornburg* (see the review of the evidence at 52 and 58-61, and Appendix A at 80). The Fifth Circuit has ruled in *Citizens for a Better Gretna* v. *City of Gretna*, a Louisiana case, that "implicit in the Gingles holding is the notion that black preference is determined from elections which offer the choice of a black candidate." 834 F.2d 496, 503 (1987).

5. As a general matter, the most relevant interracial elections to analyze are recent elections for the office at issue, but when only a few minority candidates have contested elections for that office, it is appropriate to analyze the voting in interracial elections to other offices as well [see *Westwego Citizens for a Better Gov't v. City of Westwego*, 872 F.2d. 1201, 1208-1209 n.9 (5th Cir. 1989)]. I have analyzed therefore not only the three most recent interracial elections for seats on the Bossier Parish School Board, which were held in 1986, 1990, and 1993, but also other interracial elections. These include the only parishwide interracial election for a local office in recent years (the 1988 election for a seat on the 26th Judicial District Court) and all of the elections to local offices within the parish during the 1990s that involved an interracial choice of candidates.

6. Voters across all of Bossier Parish have been presented with a choice between or among African American and white candidates for local offices on only one occasion in recent years. That occurred in the 1998 primary election for a seat on the 26th Judicial District Court. In order to determine the extent to which voting in this election was divided along racial lines, I have performed a bivariate ecological regression analysis and a homogeneous precinct (or extreme case) analysis of this election. These are the standard methodologies,

approved by the Supreme Court in *Thornburg*, for assessing racial divisions in voting through precinct-level election returns (at 52-53).

7. Homogeneous precinct analysis focuses on precincts in which the voters are predominantly of one race or the other. The votes cast in these precincts provide the basis for estimates, under this methodology, of the level of support that each of the respective groups has provided a particular candidate. In the 1988 primary election, over 90 percent of the people signing in to vote was white in 25 of the 43 precincts in Bossier Parish. These precincts are identified therefore as homogeneously white. The African American candidate for the seat on the 26th Judicial District Court in this election, Bobby Stromile, was not the choice of the voters in these homogeneous white precincts. Stromile received 31.1 percent of the votes cast in this election in these 25 precincts, compared to 69.9 percent for his white opponent. The highest percentage of African Americans among those signing in to vote in any of the precincts was 75.1, so none of the precincts can be considered homogeneously African American and no extreme case estimates of the African American support for Stromile can be derived from this analytic technique.

8. Estimates of the support for Stromile among both African Americans and whites can be derived through regression analysis, however. This procedure relies on the votes cast in all of the precincts, not just those that are cast in racially homogenous precincts. Regression analysis is based on a systematic comparison of the votes cast for the various candidates in each of the precincts and the relative presence of African Ameri-

cans among those signing in to vote in each precinct. There is a very consistent relationship between the percentage of those signing in to vote that was African American in each precinct and the percentage of the votes received by Stromile in the precincts. This relationship can be summarized by a correlation coefficient, which has a value of 1.0 when the relationship is perfectly consistent. The value of the correlation coefficient for the relationship between Stromile's vote and the racial composition of the precinct is .842, which is statistically significant at .0001 (in other words, the probability of a relationship of at least this magnitude occurring by chance is less than 1 in 10,000). The estimate of Stromile's support among the African Americans voting in this election, derived through regression analysis, is 79.2 percent. The regression-based estimate for his support among the whites voting in this election is 28.9 percent.

9. In addition to this latest parish-wide election, I have examined the votes cast in the last three elections for seats on the school board in Bossier Parrih in which the voters in the respective district had a choice between African American and white candidates. The most recent of these elections was in 1993. The other two occurred in 1990 and 1986.

10. The 1993 election was a special election for the District K seat on the parish school board. The African American candidate in this election, Jerome Blunt, had been appointed to this seat in 1992. He sought election to the seat the following year, along with one white candidate. District K is a homogeneously white district. At the time of this election, 92.0 percent of the registered voters in this district was white. On election

day, 97.4 percent of those signing in to vote was white. Blunt was obviously not the choice of the white voters in this election. Blunt lost his seat on the school board to his white opponent, receiving only 23.9 percent of the votes cast. Even if every vote Blunt received had been cast by a white voter, and every African American who signed in to vote had cast a ballot for Blunt's opponent, Blunt would still have received only 24.5 percent of the white votes in this election. Which candidate was in fact the choice of the few African American voters in this election cannot be determined through these precinct-level data.

11. The 1990 and 1986 interracial school board contests were both held in District J. The African American candidate in 1990 was Johnny Gipson, who competed with one white candidate for the position. In 1986 the African American candidate was Jeff Darby, who also competed for the position with one white candidate. Both of these candidates lost the election in this majority white district.

12. District J consisted of two precincts that have been described in this case's *Joint Statement of Material Facts and Conclusions of Law About Which There Is No Dispute* as "distinctive" and "unique" precincts in Bossier Parish (paragraphs 161 and 162). These were precincts 2-15 and 2-16, which included Barksdale Air Force Base and areas adjacent to the base. Many of the white voters in this area are military retirees who are not from Louisiana, let alone from Bossier Parish, and who therefore "tend on average to vote in a less polarized way" than other whites in the parish (paragraphs 162 and 163).

13. At the time of these elections, precinct 2-16 was homogeneously white and precinct 2-15 was racially mixed. In precinct 2-16, 97.4 percent of those signing in to vote in 1990 was white, and 99.2 percent of those registered to vote in 1986 was white. (Sign-in information is not available for elections prior to 1988). In both of these elections, this precinct supported the white candidate. Gipson received 31.8 percent of the votes cast in this precinct in 1990, and Darby received 26.6 percent in 1986. In contrast, Gipson and Darby both won precinct 2-15 in these elections. African Americans constituted 48.9 percent of those signing in to vote in 2-15 in 1990, and 48.9 percent of those registered to vote in 1986. Gipson received 73.5 percent of the votes cast in that precinct in 1990, and Darby received 75.9 percent of the votes cast in 1986. While the data for these two precincts do not provide a sufficient basis for deriving specific point estimates of the support of the different groups for Gipson and Darby, the contrast in candidate support between the two precincts certainly suggests that these African American candidates were the choice of the African American voters in these elections, but not the choice of the white voters.

14. In addition to the analyses reported above, I have also examined the vote in the six other elections in the parish during the 1990s in which voters were presented with a [sic] interracial choice of candidates. These elections occurred in different places around the parish. They include the elections for the District 1 and District 2 seats on the Bossier City Council in 1993, an election for the Haughton Board of Alderman [sic] and an election for Mayor in Benton in 1992, and a parish Police Jury election for District 7 and a mayoral election in Haughton in 1991. In all of these elections, a

majority of those signing in to vote was white, and in all of these elections the African American candidates were defeated, including the two African Americans who were incumbents at the time.

15. In the Bossier City Council elections in 1993, Will Jones was the African American candidate in District 1 and Jeff Darby was the African American candidate in District 2. Jones had two white opponents, while Darby, an incumbent, had one white opponent.

16. Voters in five precincts, all of which were homogeneously white, participated in the District 1 election in Bossier City. The percentage of people signing in to vote in this district that was African American was 4.9. The African American candidate in this election, Jones, was not the choice of white voters, having received only 10.1 percent of the votes cast in this election.

17. The other Bossier City councilmanic election occurred in District 2. Precinct election returns and sign-in data indicate that in this election the African American voters preferred Mr. Darby while the white voters preferred his white opponent. Mr. Darby's vote exceeded his opponent's vote in the only two precincts in which a majority of those signing in to vote was black. He received 66.2 percent of the votes cast in precinct 2-8, in which 72.0 percent of those signing in to vote was black, and 57.5 percent of the votes cast in precinct 2-15, in which 85.5 percent of those signing in to vote was black. The only other precinct that Darby won was his home precinct, 2-16, a homogeneously white precinct in the Barksdale Air Force Base area in which he received 52.7 percent of the votes cast. Darby

lost the other four precincts, three of which were homogeneously white. He received 36.7 percent of the votes cast in these precincts, and 46.7 percent in the district overall.

18. Darby's overall support among the African Americans voting in this election is estimated, through regression analysis, to be 61.0 percent, while his vote among the white voters is estimated to be 41.3 percent. The correlation coefficient for the relationship between the percentage of the votes received by Darby and the racial composition of the precincts is .569. This coefficient, based on only seven precincts, is not statistically significant. In the homogenous white precincts Darby received 45.7 percent of the votes cast.

19. In October of 1992, Cashie Cole, an African American incumbent on the Haughton Board of Aldermen, lost his bid for reelection. This was an at-large election in which five seats were to be filled and each voter had five votes to cast. All of the votes cast in the Haughton election were cast in one precinct, so no estimates of the racial division in the vote can be provided. African Americans constituted a minority, 25.6 percent, of the people signing in to vote in this precinct, however, and Mr. Cole finished sixth among seven candidates, with 13.9 percent of the votes cast.

20. Another interracial election in 1992 was a mayoral contest in the Town of Benton. Votes in this election were also cast in a single precinct, so again no estimates of the racial breakdown in the vote can be provided. African Americans constituted 38.3 percent of the people signing in to vote in this precinct, and the

African American candidate, Thelma Harry, received 36.2 percent of the votes cast.

21. In October of 1991, African American candidates competed with white candidates for the District 7 seat on the parish Police Jury, and for the mayoralty in Haughton. District 7 for the Police Jury consisted of five precincts. Precinct election returns indicate that the African American candidate in that contest, Leonard Kelly, was the choice of neither the African American voters nor the white voters. A regression analysis of the five precincts in this election produces an estimated vote for Kelly among African Americans of 41.5 percent, and among whites of 33.8 percent. The correlation coefficient for the relationship between the percentage of the votes received by Kelly and the racial composition of the precincts is .270. This coefficient is not statistically significant. Only two precincts were racially homogeneous; both were white precincts in which Kelly received 38.3 percent of the votes. (The only other African American candidate for a seat on the Police Jury in 1991 was Jerome Darby, an incumbent seeking reelection in District 10. There was no election in this district, however, as Mr. Darby was unopposed.)

22. The other election in 1991, that for the mayoralty in Haughton, was held in one precinct, so once again no racial breakdown of the vote can be estimated. African Americans constituted 25.4 percent of those signing in to vote in this precinct, and the African American candidate in this contest, Mark Hill, finished last among three candidates, with 10.8 percent of the votes.

23. In summary, the only parishwide election in recent years in which the voters in Bossier Parish had a

choice between an African American and a white candidate for a local office, the 1988 election for a seat on the 26th Judicial District Court, resulted in the voters being clearly divided along racial lines. Had only the votes of the African American voters been counted in that election, Bobby Stromile, the African American candidate, would have won that election. Stromile, however, was vetoed by the white voters of the parish. African American voters likewise would have elected Johnny Gipson to the school board in 1990 and Jeff Darby to the school board in 1986. These candidates were also vetoed by the white voters in those elections. In all three of these elections, therefore, voting was "racially polarized." While it is impossible to determine, given the limited data, whether Jerome Blunt was the candidate of choice of the few African American voters in the District K election for the school board in 1993, it is without question that he also was not the choice of the white voters in that election.

24. All of the other African American candidates competing in interracial elections in areas throughout the parish during the 1990s also lost. Data limitations preclude a determination of who the choice of the African American voters was in all but two of these elections, the District 2 contest in Bossier City in 1993 and the District 7 Police Jury election in 1991. In the first of these elections, the African American candidate, Jeff Darby was an incumbent favored by the African American voters in the district. He was defeated, however, by the white voters. In the Police Jury contest, the African American candidate does not appear to have been favored by either racial group. While the data for the District 1 election in Bossier City in 1993 do not allow one to determine who the choice of African

American voters was, it is without question that the African American candidate, Will Jones, was not the choice of white voters. The remaining three elections were held in only a single, mostly white precinct, and in all three the African American candidates were likewise defeated.

25. Given the difference in the candidate preferences of the African American and white voters in Bossier Parish revealed in the analyses reported above, I must conclude that African American voters are likely to have a realistic opportunity to elect candidates of their choice to the Bossier Parish School Board only in districts in which they constitute a majority of the voting age population.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on December 8, 1994.

/s/ RICHARD L. ENGSTROM
RICHARD L. ENGSTROM

[Engstrom vita attached to U.S. Exh. 107 omitted from J.A.]

Excerpts from Appellant-Intervenors Exhibit B (Final Direct Testimony of Appellant-Intervenor George Price dated April 9, 1995)

* * * * *

10. On August 24, 1992, I received, by fax transmission from the NAACP Redistricting Project, a set of computer drawn maps showing the configuration of two majority black election districts for Bossier Parish and population summaries for these two districts. These maps, and the population summary for the districts are labeled Defendant-Intervenors' Exhibit 7. One of these districts is in the northern part of the Parish and includes the concentration of black population in and around the municipalities of Plain Dealing and Benton, as well as the concentration of blacks in the community known as Princeton. This district has a black voting age population of 59%. The other district is in Bossier City and contains two areas of black population concentration, one known as Old Bossier and a second in the area near Barksdale Air Force Base where there is another substantial black population concentration. This district has black voting age population of 50.6%.

11. Some time in the next few days, I showed these districts to Gary Joiner and he told me that a partial plan was not an appropriate submission. I told Mr. Joiner that the NAACP did not care how the School Board constructed the other ten districts in the parish and that these two districts were only being submitted as examples to show that two majority black districts could be drawn. Despite this explanation, I was told that a submission from the NAACP would not be con-

sidered, unless we presented a plan that showed the boundaries for all of the election districts for the twelve school board seats. In addition, I was told by Mr. Joiner that it would be impossible to create a whole plan using those two majority black districts as a foundation.

12. I once again contacted the NAACP Redistricting Projection and told them of the response to the two districts. They indicated that they would create a whole plan based on the existing majority black districts just to show that this could be done and get it to me in time for the next meeting. On September 3, 1992, the date of the next School Board meeting, I received a fax from the Redistricting Project which contained a complete plan and population summaries for all of the districts in the plan. The fax included several different maps showing certain areas of the parish in more detail along with a cover memo. The cover memo, the maps, which were on 8 1/2 x 11 paper, and the population summary, are labeled Defendant-Intervenors' Exhibit 8. As the population summaries show, the plan had the [sic] essentially the same two majority black districts as had previously been sent and another district in which blacks might have close to a majority of the voters because of the low voter registration rates of those persons associated with Barksdale Air Force Base. This district has a 36.36% black voting age population. But when one census block that is entirely based on the Air Force Base is excluded, the remaining population has a 51.0% black voting age population.

13. On the evening of September 3, 1992, I was among approximately 40 other interested African-American citizens representing the NAACP, the

Concerned Citizens and the other groups in our coalition who attended the School Board meeting. I presented the full plan and supporting data to the School Board and once again asked that the Board adopt a redistricting plan that was fair to the African-American community. I told the Board, as I had told Mr. Joiner, that we were not requesting that the Board adopt the actual plan that we presented, but that they use the plan as a foundation for the creation of a fair plan. After I presented this plan, Mr. Joiner told the Board that the NAACP plan would break precinct lines [7] and could not be adopted because this would be a violation of a Louisiana law which he claimed prohibited the splitting of precincts by school boards. The Board took no action on the NAACP plan, and did not ask Mr. Joiner to explore the possibility of creating any alternative plans with majority black election districts at this meeting. Mr. Joiner did not present the School Board with any proposed maps that he had developed for their consideration at this meeting.

14. The next School Board meeting was scheduled for September 17, 1992. I explained to the Board that federal law should be considered over state law and that they could not ignore the Voting Rights Act because of their ideas about state precinct law. I told them no citizen's right to vote should be diluted by a precinct law. I strongly urged the Board to adopt a plan that had majority black districts so that we could have an opportunity for fair representation. I told them that we were prepared to take whatever legal action was necessary to protect our voting rights. The School Board sat silently through my presentation. Then they passed a motion stating that they intended to adopt the Police Jury plan as the school board election plan. They

set up a special public meeting on September 24, 1994 [sic], for public comment on the plan and indicated that they intended to take a final vote on the adoption of the plan on October 1, 1992. The Board stated that a map of the police jury plan would be put on display at the School Board offices up until the date of the final vote. The School Board said we could put the NAACP plan on display in the same area of the School Board building and I was told we would need a large size map for display. The maps that we had presented were only on 8 1/2 x 11 inch paper, as they were the ones that are attached to this testimony.

15. On September 18, 1992, the presidents of the six predominantly black community organizations in our coalition sent a letter to David Harvey, president of the School Board, in which we opposed use of the police jury lines, and called on the school board to "establish three school board districts that will greatly increase the possibility of minorities to be elected and represented on the Bossier Parish School Board." The organizations represented by the signatories to this letter were the NAACP, the Men's Club of Bossier, the Bossier Concerned Citizens Association, the Voters League, the Concerned Parents of Plain Dealing, and the Bossier Housing Tenant Coalition. The letter endorsed the plan submitted by the NAACP and called for its use as the "foundation to create black majority districts." That letter is attached as Defendant-Intervenors' Exhibit 9.

16. On Friday, September 18, I again contacted the NAACP Redistricting Project and informed them of our need for a large map and what had transpired at the September 17, 1992, meeting. They said they could

produce such a map and would do so as soon as possible. On Monday, September 21, I received a large map (about 2 1/2' X 3 1/2') from the Redistricting Project by Federal Express service. I took this to the School Board and had put it on [sic] display along with the population figures for the NAACP alternative districts.

17. On September 24, 1992, approximately 40 black citizens from various parts of the community attended the public hearing on redistricting. About 4 or 5 persons spoke against the plan on behalf of our coalition. I attended this meeting and was one of the speakers. All of these speakers spoke in favor of adoption of a plan that resembled the NAACP proposal and contained two majority black election districts. Not one person present at the public hearing spoke in favor of adoption of the Police Jury plan. The NAACP Redistricting Project had sent me a memo which I could use as the basis of my presentation to the Board. That memo is attached as Defendant-Intervenors' Exhibit 10. My presentation to the School Board covered all of the points in the memo as I basically read it to the Board. I again repeatedly emphasized that federal law should prevail over state law and that they could not ignore the Voting Rights Act over concern about precinct lines. I told them that the precinct law should not infringe on any citizen's right to vote. I told them that Joiner wasn't a lawyer and was wrong in what he told them. The School Board members listened to the comments of our representatives, with some of them occasionally stating that they couldn't do anything because of the problem with the precinct lines. The Board took no action at the hearing but just adjourned after hearing the comments from the public.

18. The NAACP and the other groups in the coalition were strongly opposed to the adoption of the police jury plan or any other plan that did not have at least two majority black voting age population districts as the new election plan for school board elections. Therefore, after the School Board meeting of September 17, we developed a petition opposing adoption of the police jury plan and calling for the creation "of three (3) Black Districts so Black Students and Citizens can be represented on the School Board." Along with members of the other groups in our coalition, various members of the NAACP circulated copies of this petition in all of the areas of black population concentration throughout Bossier Parish. Before the school board meeting on October 1, 1992, the NAACP submitted to the Board copies of this petition containing a total of over 525 signatures. Signatures from persons living in every area of black population concentration in the parish are found on these petitions. A copy of the petition is attached as Defendant-Intervenors' Exhibit 13.

19. After holding the hearing on September 24, 1992, the School Board voted to adopt the Police Jury plan as its election plan at its next meeting, which was held on October 1, 1992. I attended this meeting as did other concerned African-Americans and again we voiced our opposition to the adoption of the police jury plan and urged the Board to adopt a plan that gave the African-American community an equal opportunity to participate in the political process. The Board members listened to our comments but still adopted the Police Jury plan. Those who responded said they could do nothing because the Louisiana law that prohibited breaking precinct lines prevented them from taking any

other course of action. Shortly after the School Board adopted the Police Jury plan, I informed the NAACP Redistricting Project of what had happened. They explained the Section 5 review process and told me that they would help me in filing a comment with the Voting Section of the Department of Justice and the Redistricting Project itself would also file a comment which would include both legal arguments and technical information about the NAACP alternative districts. I monitored the progress of the School Board's preparation of their Section 5 submission, which was filed in January of 1993. Soon after this both the local NAACP and the Redistricting Project submitted their comments to the Justice Department.

20. After the Justice Department entered its objection, the NAACP repeatedly asked the School Board to change its election plan and adopt one that had two majority black districts. No such action was ever taken. The subject was not even brought up for a vote. On November 9, 1993, I went before the Police Jury and requested that they change the election districts for the parish to enable the creation of two majority black election districts and an election plan that allowed for equal participation of the African-American community. The remarks that I presented to the Police Jury were essentially the same as the text of the document attached to this testimony as Defendant-Intervenors' Exhibit 11. No response was forthcoming. The Police Jury has stated that they are not willing to change the election districts of Bossier Parish.

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Excerpts from Appellant-Intervenors Exhibit B (Supplemental Testimony of Appellant-Intervenor George Price dated April 9, 1995)

* * * * *

28. Sometime after the School Board had submitted its proposed redistricting plan to the Department of Justice, I had lunch with the Board president at the time, Barry Musgrove. A local minister, Reverend John Dansby joined us. I remember this meeting in particular because we ate at the University Club in downtown Shreveport, near Mr. Musgrove's office. I had been continuing to encourage the School Board publicly and some School Board members privately to consider a redistricting plan with some black majority districts. Mr. Musgrove told me at this lunch meeting that there "just was not anything he could do" to get the Board to consider such a plan. He did not mention anything about splitting precincts or about the shape of black majority districts, but explained that "the votes simply were not there." He said that, while he sympathized with the concerns of the black community, there was nothing more he could do for us on this isue because the Board was "hostile" toward the idea of a black majority district.

29. I also recall a discussion sometime in 1993 with another School Board member, Thomas Myrick. Several Board Members had met with several representatives of the black community to discuss some of our concerns about the operation of the School District. The meeting was fairly tense. After the meeting, Thelma Harry and I had a discussion with Mr. Myrick. One of the issues that had come up in the meeting was the fact that Plain

Dealing High School, a predominantly black school in Mr. Myrick's district, was the only Bossier Parish high school not to receive computers with certain dedicated revenues received by the Board. Mr. Myrick was angry and said that he was doing the best he could do. He then asked us why we wanted "his seat." He said that he had worked too hard to get that seat and that he would not stand by and "let us take his seat away from him."

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

/s/ GEORGE PRICE
GEORGE PRICE

April 9, 1995
Date

[NAACP letterhead omitted]

March 25, 1992

Mr. W.T. Lewis
Superintendent, Bossier Parish School System
School Board
P.O. Box 218
Benton, Louisiana 71006

Dear Superintendent Lewis:

It is my understanding that the Bossier Parish School Board is in the planning stage of reapportionment of school districts in Bossier Parish. If that is true, I would like to be included in all phases of the plan, and be place [sic] on the list to be notified whenever this issue is discussed.

I understand that in accordance with Federal rules because there are no minorities on the School Board, I would like to represent a portion of the community in this process.

I look forward to hearing from you concerning this matter in the very near future.

Respectfully yours,

/s/ GEORGE PRICE
GEORGE PRICE
President, Bossier Parish NAACP

[NAACP letterhead omitted]

August 17, 1992

Mr. W.T. Lewis, Superintendent
Bossier Parish School System
School Board
P.O. Box 218
Benton, Louisiana 71006

Dear Superintendent Lewis:

In a previous letter dated March 25, 1992, a request was made to you concerning the reapportionment of school districts in Bossier Parish. In that letter the Bossier Parish Branch NAACP requested to be included in the reapportionment process and to this date, August 17, 1992, we have not received a reply from your office. It is now our understanding that this process is nearly completed. We regret this. Therefore, we advise you that the Bossier Parish Branch NAACP will be in opposition to the continuation of school districts that do not fairly represent all parish citizens.

We further request that the Bossier Parish Branch NAACP be allowed to come before the Bossier Parish School Board and present our views on the issue. As you know there are no Blacks on the School Board nor has there ever been. We are very concerned about this and feel that this issue must be addressed in the reapportionment process in order to create a School

Board that represent [sic] the ethnic make-up of the Parish.

We look forward to working with you and the demographer in order to create districts that provide fair opportunity for anyone desiring to participate in the democratic process that select [sic] members for the School Board.

Because of the progress already made in this matter, we look forward to hearing from you within the next ten working business days.

Respectfully yours,

/s/ GEORGE PRICE
GEORGE PRICE, PRESIDENT
Bossier Parish Branch NAACP

August 17, 1992

Mr. W.T. Lewis
Superintendant, [*sic*] Bossier
Parish School System
School Board
P.O. Box 218
Benton, Louisiana

Dear Superintendant [sic] Lewis:

Because of Community concern regarding the Bossier Parish School System, several organizations met on August 13, 1992, to discuss and plan methods and procedure by which we could input to you and the Board our immediate concerns that affect Blacks in the Bossier Parish School System. A consensus was reached on the following enumerated items, and we request your immediate response as to adopting the solutions that we can agree upon.

1. The first priority of the Bossier Parish School Board should be to appoint a Black to serve on the School Board.

2. Develop and maintain an early recruiting program, starting at least at the sophomore level of college, and to include lay persons from the community in this process.

3. Demonstrate diligence in recruiting, hiring, retaining, and promoting African Americans in the Bossier Parish School System.

4. Widen the available pool of potential teachers by offering alternate certification primarily to liberal arts

majors, which has been mandated by the Louisiana Legislature.

5. Develop a reassignment and transfer program designed to insure parity or equalization of minorities at all schools, elementary, junior high or middle, and senior high so that black children can see people from their ethnic background working as professionals.

6. Organize and maintain a recruitment program with Grambling State, Southern University, Xavier University, and Dillard University to increase numerically the number of blacks in the Bossier Parish School System.

7. Establish and maintain a tracking system on Bossier Parish graduates so as to counsel and encourage as many as possible to pursue education as a major, and to return to Bossier Parish to work and live.

8. Seize the opportunity to appoint a black to the vacant position in District K which will encourage and assist other minorities in participating in the Democratic process which governs our Parish School System.

9. Encourage the Superintendent and each school board member to become actively involved in all communities, to bring and receive information calculated to improve the Bossier Parish School System on behalf of all citizens.

10. To guarantee participation by every Parish citizen in the upcoming reappointment of the School Board Districts in Bossier Parish to include a conserted effort to develop Black Districts that will insure black representation on the Bossier Parish School Board. Every

effort must be taken to insure that this process is completed for the current reapportionment year 1992.

We stand ready and willing to meet with you and all Board members to plan and discuss all aspects of the aforementioned requests. We too want a good Parish School Board that is responsive to the legitimate needs and sights of black citizens and their children.

We look forward to an immediate reply to this letter.

Respectfully yours,

/s/ GEORGE PRICE
GEORGE PRICE
NAACP

/s/ JERRY HAWKINS
JERRY HAWKINS
Concerned Citizens

/s/ JAMES ABRAMS
JAMES ABRAMS
Voters League

/s/ MARY WIGGINS
MARY WIGGINS
Bossier Tenant Coalition

/s/ GEORGE PRICE, JERRY HAWKINS
George Price, Jerry Hawkins
Men's Club of Bossier

NAACP REDISTRICTING PROJECT

MEMORANDUM

To: George Price, Bossier Parish NAACP

From: Samuel L. Walters, Assistant General Counsel
Ian Millett, Redistricting Analyst

Date: September 3, 1992

Re: Redistricting of Bossier Parish School Board
NAACP Proposal for Election Districts

Attached is a proposed plan for the election districts for the Bossier Parish School Board. The documents included are an overall map of the parish and several detail maps to show specific areas of the parish more clearly. Also included is a page containing population analyses of the proposed districts.

The plan we have prepared contains three districts that present a legally protectable opportunity for the minority citizens to elect the candidate of their choice. These are districts 1, 2, and 3. That districts 1 and 2 are classified as ones which would be under the protection of the Voting Rights Act should be obvious, as both contain more than 50% African American voting age population[1] and meet other redistricting criteria such as

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[1] The NAACP Redistricting Project use [sic] the Census Department category of Non-Hispanic Black, Hispanic, and Non-Hispanic White in calculating these totals. I think that the consultant used by the parish uses the Black and White categories, so his totals will not be identical to ours. In areas such as Bossier

one-person, one-vote, contiguity, and sufficient compactness. Failure to create such districts when such can be done would constitute a violation of Section 2 of the VRA.[2] Given this, it is highly likely that the Justice Department, in Section 5 proceedings, would enter an objection to a plan failing to create these districts or their electoral equivalents.[3]

District 3 contains Barksdale Air Force Base. One census block constituting most or all of the base contains 3,327 people. It is my understanding that few of these people are registered to vote and that even fewer go out to vote. If this one census block is subtracted from the population totals for district 3, what remains is a district with 52.4% black voting age population. Therefore, this configuration creates another district that would present an opportunity for the minority citizens of Bossier Parish to elect a candidate of choice. Construction of election districts involving similar positioning of military bases has been used in other jurisdictions to create minority electable districts and obtain Justice Department preclearance.[4]

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parish with small Hispanic populations, use of the Black category instead of the Non-Hispanic Black category will result in slightly higher black percentages for the districts.

[2] *Solomon v. Liberty County, Florida*, 865 F.2d 1566, 1574 (11th Cir.), *rehearing en banc granted*, 873 F.2d 248 (11th Cir. 1988), *district court judgment vacated*, 899 F.2d 1012, later proceeding 111 S. Ct. 35 (1990).

[3] The NAACP Redistricting Project is prepared to submit these maps, data summaries, computer files and legal memoranda to the Justice Department if appropriate districts are not adopted by the school board.

[4] Even with the population of the base included, district 3 contains over 36% black voting age population and almost 40% black and Hispanic voting age population. In a recent case, a

The plan that we constructed for the other nine districts was done simply to comply with the request that a complete plan be submitted. The lines for the other districts are of no particular significance to us and could be changed by the School Board as they see fit as long as the changes do not dilute the level of voting strength developed by the proposed districts. If the consultant to the School Board would like a computer file with this configuration, he can contact us and specify the format he needs. We also can provide a larger map generated by a plotter.

[Attachments to memorandum omitted from J.A. See Appellant-Intervenors Exh. 8 for originals]

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federal court found a violation for the failure to establish a 36% black population legislative district in Ohio when an analysis of local election factors showed the minority community would have a fair chance to elect its candidate of choice from the district. *Armour v. State of Ohio*, 775 F. Supp. 1044 (N.D. Ohio 1991) (three-judge court). It seems clear that we have shown that here with the analysis related to the base population.

September 18, 1992

Mr. David Harvey
President, Bossier Parish
School Board
P.O. Box 2000
Benton, Louisiana 71006-2000

In Turn: Mr. W. T. Lewis
Superintendent, Bossier Parish Schools
P.O. Box 2000
Benton, Louisiana 71006-2000

Dear Mr. Harvey:

We, Citizens of Bossier Parish, requested that you as our elected officials, develop and establish three black school board districts that will greatly increase the possibility of minorities to be elected and represented on the Bossier Parish School Board. We believe that any plan that does not provide for fair and true democratic representation for all citizens should not be approved by this board.

We request that you give the plan submitted by the NAACP your upmost [*sic*] consideration and that you use it as a foundation to create black minority [*sic*] districts. All parish citizens must be represented in the democratic process which governs our schools and by having them included, we create a school system that is strong, effective and impartial.

Therefore, we urge you to reject any plan that does not provide true representation for all citizens of the parish. This does include rejection of districts that

parallel with existing or recommended lines of the election districts of the Bossier Parish Police Jury.

Respectfully submitted:

/s/ GEORGE PRICE
GEORGE PRICE
NAACP
Men's Club of Bossier

/s/ JERRY HAWKINS
JERRY HAWKINS
Concerned Citizens
Men's Club of Bossier

/s/ JAMES ABRAMS
JAMES ABRAMS
Voters League

/s/ MARY WIGGINS
MARY WIGGINS
Bossier Housing
Tenant Coalition

/s/ ANDREW DAVIS
Concerned Parents of Plan Dealing

NAACP REDISTRICTING PROJECT

MEMORANDUM

To: George Price, Bossier Parish NAACP

From: Samuel L. Walters, Assistant General Counsel
Ian Millett, Redistricting Analyst

Date: September 24, 1992

Re: Redistricting of Bossier Parish School Board
NAACP Proposal for Election Districts
"Legal Opinions" Given to Board by
Gary Joiner

In light of our recent conversation in which you informed me of the proceedings before the Bossier Parish School Board, I wish to provide you with the following information which you can use in advocating your position before the Board. Some of these points have been made by you before, but it might be useful for you to have received the information from a lawyer since no attorney is stepping forth to tell the Board the undisputed principles of law that should control the redistricting of the Board.

1. The laws and Constitution of the United States are superior to those of Louisiana or any other state.

The laws and Constitution of the United States are always supreme to those of the various states. The Louisiana law stating that election districts must be created from whole precincts must give way to the

requirements of the Voting Rights Act and the U.S. Constitution. While it might be true that adoption of school board district lines that cross existing precinct lines is a violation of that Louisiana law, that is not a sufficient justification for violating Federal law. In all likelihood the oath of office taken by each of the current school board members included a pledge to uphold the laws and Constitution of the United States. The current board members should be mindful of this. The law requiring use of precincts is not in and of itself illegal, but it is a violation of the Voting Rights Act if its implementation causes dilution of the minority vote. Such is clearly the case in Bossier Parish.

Terrebonne Parish tried to use this argument to avoid creating a majority black district and our challenge to the Justice Department resulted in them having to redraw their lines to create a third district. These districts were created using census blocks.

2. Mr. Gary Joiner is a map drawer, not a lawyer, and his attempts at giving legal advice should be treated accordingly.

It seems that the local lawyers are abdicating their responsibility to provide the board with sound legal advice and are letting Mr. Joiner step into this vacuum and give "legal evaluations" of the various plans now before the board. Mr. Joiner is not a lawyer and is not aware of all of the legals ramifications of these evaluations. Furthermore, the evaluations are simply wrong. However, what is more disturbing is the fact that Mr. Joiner knows that the law is contrary to the opinions he is giving to the board. He and I have had conversations where he acknowledged that using the whole precinct law in this case and several others prevents or impedes

the creation of a majority black district and thus constitutes a violation of the VRA. He also understands the concept that Federal law is supreme.

3. The fact that the Justice Department precleared the earlier plan does not in anyway [*sic*] mean that the School Board's submission of the same district lines will be precleared or that they will withstand a lawsuit.

The Police Jury plans were precleared without any opposition. Since there were no presentations of alternate maps showing that other configurations offered more empowerment opportunities for the black community, the Justice Department probably didn't look at the Police Jury lines too hard. If the School Board persists and passes the same district lines, they can be assured that the NAACP Redistricting Project will assist the local Branch and a letter of opposition and the alternate maps to the Justice Department before the Parish's submission is even into Justice.

Even if the Justice Department were to preclear the same plan, such preclearance does not make the Parish immune from litigation. The Votings Rights Act specifically states that Justice Department preclearance under Section 5 does [not] determine the outcome of litigation filed under the more general provision of Section 2, nor does it preclude the filing of such litigation.

November 8, 1993

Presentation To The Bossier Parish Police Jury

To: Bossier Parish Police Jury

From: George S. Price, President, Bossier Parish N.A.A.C.P.

Greetings; etc.

Our purpose for appearing before the Bossier Parish Police Jury today is two fold. First, to discuss the Re-apportionment Re-Districting process and secondly, the general management of our Parish and the lack of minorities in this process or a part of this process, ie., jobs, contracts, and management positions as they relate to the number of blacks in Bossier Parish.

In reference to my letter dated October 7, 1993, I appreciate the prompt response from Mr. Ramsey. I must confess that the information I was given as it pertain [*sic*] to your re-districting plan was in error and incomplete. I apologize for not doing my homework, however, the fact still remains that during the re-districting process of 1990, the Police Jury of Bossier Parish failed to address the issues raised by the Black citizens of this Parish. And in fact failed to include that information presented by the Black Community in the completed Re-districting Plan submitted to the Justice Department that was in fact Pre-cleared.

This plan although pre-cleared by the Justice Department is not representative of the Parish. It, in fact, doesn't allow a single district where Black Citizens are a majority, although such a district could have been

drawn. Additionally, current districts lines doesn't insure that all Parish Citizens are able to exercise their rights as guaranteed under the 14th Amendment and the 1965 Voting Rights Act. Additionally, the same plan that was pre-cleared without opposition for the Police Jury has not received the same approval for the School Board. Hence we now have a dilemma. As the governing body, responsible for developing precincts, the Bossier Parish Branch N.A.A.C.P. and other groups here-by call upon you, the Bossier Parish Police Jury and the Bossier Parish School Board to publicly meet and develop a re-districting plan that will increase the number of minorities on these board [*sic*] and that more adequately reflect the make-up of this parish. All citizens of Bossier Parish have a inherited right to be a part of this (these) [*sic*] governing bodies that shape through policies and laws our lives, and the lives of our children. Current re-districting plans now being considered will be the basis for elections during the next 10 years. The Black Community cannot afford to want for a more appropriate time, the time is now—and the purpose is noble; to be included or to be excluded. So today, I call upon the Bossier Parish Police Jury to meet with the Bossier Parish School Board and together develop a plan that will insure that the population of the Parish is accurately reflected on these two governing bodies.

Also, the N.A.A.C.P. of Bossier Parish and other groups I represent expect to be a working partner in finding a just and fair solution to this problem.

Second. Employment in all agencies supervised by the Bossier Police Jury.

We believe that examples begin at home. Therefore, we think that the Police Jury office should reflect a variety of employees based upon the ethnic make-up of the Parish. More blacks should be assigned and employed throughout the Parish. We also believe the Police Jury should seize this opportunity to appoint a Black Assistant Administrator to assist the incoming Administrator. We also believe more managers and supervisors are needed to insure inclusion of all Parish citizens.

The Bossier Parish Branch N.A.A.C.P. and other Parish groups are committed to working together with our elected officials to develop and promote a Parish governing body that adequately reflect the tax paying citizens of this Parish. Our call for inclusion cannot go unanswered. We must be included to make this Parish all that it can be.

Thank you.

George S. Price, President
Bossier Parish Branch N.A.A.C.P.

cc: Concerned Citizens of Bossier Parish
Housing Tenants Coalition
Bossier Parish Voters League
Bossier Men's club

[NAACP Letterhead omitted]

July 14, 1993

Mr. Barry Musgrove
Bossier Parish School Board
P.O. Box 2000
Benton, LA 71006-2000

Dear Mr. Musgrove:

There continue to be issues brought before our organizations concerning our school system. Many of these concerns are issues that you and I have personally discussed, or have been before the Bossier Parish School Board. In the interest of remaining focused on the betterment of our school system and our children, I respectfully request, in the name of our organizations, that our School Board address these concerns listed below. We request your response as to steps you will take to resolve these concerns.

1. The establishment of a community advisory group —which would supply input to the School Board concerning educational matters.

2. Recruitment and placement of black teachers and administrators in the Bossier Parish School System.

3. Plans to address the low math/science scores of our children, to include scores of Bossier Parish students, along racial lines.

4. The updated status of the Bossier Parish School Board Redistricting Plan.

5. Establish a committee to study the possibility of including a black history year round program in the Bossier Parish School system. Possibly, eliminate Black History month.

6. Provide our organizations with the policy and procedure for bidding on contractual services provided to the school system. Also including a list of such contracts whenever they are let for bids.

7. Provide our organizations with a list of recent contractors that have completed work for the Bossier Parish School System. Please include whether or not any of those were minorities.

Barry, I am committed to enhancing the educational system of Bossier Parish. I will eternally feel that an effective and progressive system must include fair and equal treatment for all students. I want to work with you and the Board to make this a reality. I stand ready and am willing to assist you in any capacity.

We can work together to make our system better.

Respectfully,

/s/ GEORGE S. PRICE
GEORGE S. PRICE
President
Bossier Parish Branch N.A.A.C.P.

cc: Concerned Citizens of Bossier Parish
Men's Club of Bossier
Voting League of Bossier Parish